

**Summary of Comments and Responses on  
Proposed National Emission Standards  
for Automobile and Light-Duty Truck  
Surface Coating:**

**40 CFR 63, Subpart III  
February 2004**

## INTRODUCTION

On July 16, 1992 (57 FR 31576) we published a list of source categories slated for regulation under section 112(c). The source category list included the Surface Coating of Automobiles and Light-Duty Trucks category of major sources. We proposed standards for this source category on December 24, 2002 (67 FR 78612).

The preamble for the proposed standards described the rationale for the proposed standards. Public comments were solicited at the time of the proposal. The public comment period lasted from December 24, 2002 to February 24, 2003. Industry representatives, regulatory agencies, environmental groups, and the general public were given the opportunity to comment on the proposed rule and to provide additional information during the public comment period. Although we offered at proposal the opportunity for oral presentation of data, views, or arguments concerning the proposed rule, no one requested a public hearing. A public hearing was not held.

We received a total of 17 letters with comments on the proposed rule. Commenters included individual companies with automobile and light-duty truck surface coating operations, industry trade associations, environmental groups, a supplier to the automobile and light-duty truck surface coating industry, and State and Regional Regulatory Agencies. Copies of the comment letters are available for public inspection in docket number A-2001-22 (OAR-2002-0093).

The purpose of this document is to present the EPA's responses to the comments on the proposed rulemaking in a tabular format. Table 1 presents an index to commenters, Table 2 presents an index to comment topics, and Table 3 presents a summary of public comments and EPA's responses.

**TABLE 1. INDEX TO COMMENTERS ON THE PROPOSED NESHAP  
FOR SURFACE COATING OF AUTOMOBILES AND Light-duty TRUCKS**

Document Number	Commenter Name, Title, Affiliation
IV-D-01	L. Eagen Director, Bureau of Air Management Department of Natural Resources Madison, WI
IV-D-02	J. A. Paul Supervisor, Regional Air Pollution Control Agency Dayton, OH
IV-D-03	C. M. Price Vice-President, CHEMSTAR American Chemistry Council Arlington, VA
IV-D-04	D. Dougherty Vice President, Manufacturing Saturn Corporation Spring Hill, TN
IV-D-05	B. Nilles Senior Midwest Representative Sierra Club Chicago, IL
IV-D-06	J. Pew EarthJustice Washington, DC
IV-D-07	C. M. Price Vice President, CHEMSTAR American Solvents Council Arlington, VA
IV-D-08	C. M. Price Vice President, CHEMSTAR American Chemistry Council Ethylene Oxide/Ethylene Glycols Panel Arlington, VA

Document Number	Commenter Name, Title, Affiliation
IV-D-09	K. Heyob Associate Chief Engineer Honda of America Manufacturing Marysville, OH
IV-D-10	R. P. Huffman Environmental Specialist Bayer Polymers LLC
IV-D-11	R. J. Nelson, Senior Director Environmental Affairs, and A. A. Keane, Counsel, Government Affairs National Paint & Coatings Association Washington, DC
IV-D-12	M. M. Round Senior Air Toxics Program Analyst Northeast States for Coordinated Air Use Management (NESCAUM) Boston, MA
IV-D-13	C. M. Price Vice President, CHEMSTAR American Chemistry Council's Ethylene Glycol Ethers Panel Arlington, VA
IV-D-14	V. Ughetta Director Stationary Sources The Alliance of Automobile Manufacturers Washington, DC
IV-D-15	G. Cohen Executive Director, RadTech International North America Chevy Chase, MD
IV-D-16	L.L. Eagen, Chair, STAPPA Air Toxics Committee and R. Colby, Chair, ALAPCO, Air Toxics Committee Washington, DC
IV-D-17	R. Byrnes Senior Engineer, Michigan Dept. of Environmental Quality Lansing, MI.

February 26, 2003

<b>Document Number</b>	<b>Commenter Name, Title, Affiliation</b>
IV-D-18	Courtney M. Price Vice-President, CHEMSTAR American Chemistry Council Arlington, VA
IV-G-01 (Replaces IV-D-17)	Mark C. Mitchell, P.E. General Manufacturing Unit, Permit Section, Air Quality Division Michigan Dept. of Environmental Quality Lansing MI

**TABLE 2. INDEX TO COMMENT TOPICS IN TABLE 3**

<b>Section Number, Comment Classification</b>	<b>Page Number</b>
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<b>X.</b> Achieve the Goals of the Rule in a Less Costly Manner? (Preamble Section IV-E, pp. 78625-78631) Note: Response to all comments in this section are at the end of the section.	3-65

**TABLE 3. SUMMARY OF COMMENTS ON PROPOSAL AND SUGGESTED RESPONSES**

Topic No.	Comment	FR reference (\$/page no.)	Commenter ( page no.)	Response
<b>I. Applicability (63.3081: Overlap, Exclusions/Exemptions, Predominant Use)</b>				
1	<p>Expresses concern that complying with the proposed limits through use of add-on controls or changes in equipment as a result of reformulation (e.g., changes to spray guns or robots) will trigger other regulatory requirements, e.g., New Source Review/Prevention of Significant Deterioration, New Source Performance Standards, due to applicability tests or due to potential NO<sub>x</sub> emissions from certain types of control devices. Submits that as a matter of policy, a source should not trigger additional regulatory requirements when trying to comply with a set of new regulations, particularly where the new rules lead to reductions in HAP emissions. Urges EPA to establish a “safe harbor” from the program requirements of New Source Review, Prevention of Significant Deterioration, and New Source Performance Standards for those physical changes undertaken to comply with the Auto/LDT Surface Coating MACT. Provides language referencing the Pollution Control Project “safe harbor” for inclusion in the final rule.</p>		IV-D-14 (p. 13-14)	<p>We are not including in the final rule an exemption from NSR, PSD, and NSPS for those coating operations that are modified or upgraded in order to comply with the final rule. It would be inappropriate to include language in a NESHAP that could affect the applicability of these other programs since these are better handled on a case-by-case basis by the States and Regions implementing these other rules.</p> <p>We do not expect compliance with the final rule to require changes to existing coating operations that would trigger major NSR or PSD permitting requirements. The steps taken to reduce organic HAP emissions to comply with the final rule are not expected to result in increased VOC emissions. Facilities that install oxidizers to reduce organic HAP may have a concurrent increase in nitrogen oxide emissions. We expect such facilities will be eligible for the pollution control project exclusion in the NSR regulations (67 FR 80186) since regenerative thermal oxidizers, thermal oxidizers and catalytic oxidizers are presumed to be environmentally</p>

Topic No.	Comment	FR reference (§/page no.)	Commenter ( page no.)	Response
1 (cont)			IV-D-14 (p. 13-14)	<p>beneficial under the pollution control project exclusion. In addition, in order for the pollution control project exclusion to apply, the emissions increases from the project must not cause or contribute to a violation of any national ambient air quality standard or PSD increment, or adversely impact an air quality related value (such as visibility) that has been identified for a Federal Class I area by a Federal Land Manager and for which information is available to the general public.</p> <p>Most, if not all, of the current automobile and light-duty truck surface coating facilities are already subject to the NSPS for automobile and light-duty truck surface coating. If there are any current facilities not already subject to the NSPS, we do not expect that the NSPS would be triggered by the changes necessary to comply with the final rule. The steps taken to reduce organic HAP emissions to comply with the final rule are not expected to result in increased VOC emissions. Increases in nitrogen oxide emissions resulting from the installation of oxidizers would not trigger the NSPS because nitrogen oxides are not a regulated pollutant under the NSPS.</p>



Topic No.	Comment	FR reference (§/page no.)	Commenter ( page no.)	Response
2	<p>Recommends a broadening of the applicability of the proposed rule to allow those coating operations for metal and plastic parts conducted at facilities subject to this rule to be considered part of the Auto/LDT Surface Coating rule. This approach would provide affected sources with the greatest degree of flexibility for future changes in vehicle coating processes, e.g., coating doors separately on another line rather than coating autos/LDT with the doors attached to the frame. This approach would also significantly reduce reporting, recordkeeping, and monitoring requirements, while assuring significant emissions reductions.</p> <p>To implement this change, language could be added to 63.3082 giving a facility with auto and light-duty truck surface coating operations as its predominant activity (see Section VIII [Definitions] of this document) the option to include under this subpart the operations and activities covered by the Miscellaneous Metal Parts Surface Coating NESHAP and/or the Plastic Parts and Products Surface Coating NESHAP. A facility not meeting the predominant activity requirement would have the option of notifying the Administrator and then include under this subpart the operations and activities covered by the Miscellaneous Metal Parts Surface Coating NESHAP and/or the Plastic Parts and Products Surface Coating NESHAP. Alternatively, the commenter suggests that the applicability of the rule could be made as broad as possible by defining the substrate used in the coating operation as a metal, plastic, or composite material.</p>	63.3082	IV-D-14 (p. 15-18)	<p>The final rule provides operators of automobile assembly plants the option to include all collocated plastic and metal parts coating operations related to automobiles and light-duty trucks under this rule. This includes coating of replacement parts for attachment outside the facility, and coating of non-body parts (such as fascia, cladding, brackets, fuel tanks, and radiators) for automobiles. Off-line coating of body parts, such as doors, for attachment to new automobiles and new light-duty trucks coated at the facility remain (as proposed) in the affected source under the final rule. Operators choosing to include such operations are required to obtain the necessary information (including transfer efficiency and capture efficiency) to demonstrate compliance. Coating of non-automotive parts, vehicles other than automobiles and light-duty trucks (such as motorcycles, all-terrain vehicles or watercraft), or parts for such vehicles, may not be included under the automobiles and light-duty trucks rule.</p>

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2	<p>Submits that assumption of proposed rulemaking seems to be the design approach of a “uni-body frame” vehicle. Commenter uses space frame platform, in which exterior body panels (parts) unattached to the frame or coachwork are processed through an automotive paint shop and are later “bolted” to the space frame in final assembly. Commenter’s body panels include sheet metal panels (hoods, roofs, liftgates, fuel doors, and deck lids) and plastic vertical and trim panels (fenders, doors, and fascia). Major body panel parts (sheet metal and plastic) are mated on paint bucks and processed through guidecoat, basecoat, and clearcoat paint booths before entering the automated retrieval system (from which parts are removed and applied to the vehicle during final assembly). Fascia panel sets are mated on paint bucks and processed through parallel guidecoat, basecoat, and clearcoat paint booths before entering the automated retrieval system. The commenter also utilizes an on-line panel reprocess system, in which individual off-specification panels are removed from the line and prepped and re-painted through any of four topcoat booths. The commenter also prepares body panels as service parts. The commenter’s painting operations occur in parallel paint lines located in a single integrated paint shop that in total, is analogous to a typical automotive paint shop.</p> <p>Asserts that exterior body panel parts painting operations fall within the applicability criteria of the proposed NESHAP for the auto and light-duty truck source category. In addition, the affected sources at the commenter’s facility meet the affected source definition of 63.3082(b) and the commenter’s automotive and light-duty truck painting processes meet the definition of coating operation in 63.3176. However, the commenter believes that the 63.3081 applicability criteria and the supporting preamble discussion appear to incorrectly exclude certain surface coating operations from Subpart III applicability and could result in the applicability of three disparate MACT standards for a single integrated automobile and light-duty truck paint shop.</p> <p>Commenter notes following preamble rationale for excluding certain operations from Subpart III applicability: “However, since most plastic and metal parts that are attached to coated vehicle bodies <u>are produced in separate facilities, we</u></p>	63.3081(c)(1) 78614 & 78619	IV-D-4 (p. 1-10)	Operators coating, or recoating parts for space frame or full frame vehicles at automobile and light-duty truck assembly plants may, under the final rule, choose to include these operations under this rule. As proposed, coating of collections of body parts for new automobiles and new light-duty trucks is covered by this final rule.

Topic No.	Comment	FR reference (§/page no.)	Commenter ( page no.)	Response
2 (cont.)	<p><u>have decided to regulate these off line plastic and metal parts coating operations under separate NESHAP</u> (commenter's emphasis) for surface coating of plastic parts and products and miscellaneous metal parts <u>because of the substantially different equipment that may be used to coat these parts and for consistency with the NSPS and other air pollution control regulations affecting these parts</u> (commenter's emphasis)." The commenter states that this rationale may be correct for most conventional automobile assemble plants but it is not for facilities like the commenter's that use a space frame platform, nor would it have been correct for "full frame" processing which was used extensively by automobile and light-duty truck manufacturers in the past.</p> <p>Commenter submits that the applicability criteria of the proposed rule should be revised to ensure that a single MACT standard is applicable to affected facilities within an integrated automotive and light-duty truck paint shop and provides suggested revisions to the applicability language of 63.3081(c)(1) and to the affected source language of 63.3082(b) to affect this revision. The commenter also recommends that a definition for "body part" should be added in 63.3176 (see Section VIII [Definitions] of this document).</p>		IV-D-4 (p. 1-10) (cont.)	

Topic No.	Comment	FR reference (§/page no.)	Commenter ( page no.)	Response
2	<p>Requests that EPA allow facilities to use multiple predominant activities to consolidate collocated coating operations falling under multiple MACT standards. Operates a complex manufacturing site that produces automobiles, motorcycles, and ATVs. The facility consists of three manufacturing plants, two of which are integrated auto and light-duty truck assemble plants and the third an integrated motorcycle and ATV production plant. Each of the two auto and light-duty truck plants consists of auto and light-duty truck assembly lines and a supporting plastic parts coating line, used primarily to paint bumpers and instrument panels. The motorcycle and ATV production plant paints plastic and metal motorcycle and ATV parts as well as various small plastic and metal parts for other company operations, including auto manufacturing and service, lawn equipment, and personal watercraft.</p> <p>Submits that under any standard of measure (surface area coated, volume solids, coating usage), auto and light-duty truck manufacturing is the predominant activity at the facility. However, in meetings and discussions with EPA during development of the proposed auto and light-duty truck and MPPP rules, EPA expressed the belief for technical reasons that it would not be appropriate to include the painting of motorcycle, ATV, and other various non-auto related parts as part of the auto and light-duty truck MACT compliance demonstration. Commenter agrees with this assessment and supports including a requirement that the Predominant Activity inclusion approach only apply to those operations collocated at the site which produce parts intended for auto and light-duty trucks (either to be directly used at the facility or as service parts).</p> <p>States that even with this approach, will still be faced with the challenge of meeting multiple MACT standards for the majority of coating operations at the motorcycle and ATV production plant. Commenter would be faced with the almost impossible task of demonstrating compliance with two different MACT standards (Miscellaneous Metals and PPP) with limits based on different units (lb HAP/gal solids and lb HAP/lb solids) and dual sets of recordkeeping and reporting requirements for the four coating lines at the plant. Notes that on at least two of the four coating lines, both plastic and metal parts are painted, using the same coatings in immediate succession and submits that there is no reasonable method for tracking</p>	63.3082	IV-D-09 (p. 2-3)	<p>The final rule permits the operator of this type of facility to include all operations related to coating automobiles and light-duty trucks and any parts of automobiles and light-duty trucks in demonstrating compliance with this standard. Provisions of the plastic parts coating and miscellaneous metal parts coating standards address applicability of these standards to operations related to coating motorcycles, ATVs, lawn equipment, watercraft and component parts of these items.</p>

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2 (cont.)	the amount of coatings used on each substrate in these operations. Therefore, requests the multiple predominant activity approach. This would allow the two auto and light-duty truck assembly plants to comply with the auto and light-duty truck MACT and the motorcycle and ATV production plant to comply with the PPP MACT.		IV-D-09 (p. 2-3) (cont.)	
2	<p>Asserts that EPA does not adequately address overlap issues in the proposed rule; specifically the regulations for miscellaneous metal parts and plastic parts and products. Suggests an alternative for facilities to opt into or out of a given surface coating MACT for specific coating operations or product lines, which are collateral to automobile and light-duty truck coating operations, or to choose one standard to comply with facility wide.</p> <p>Cites cases where actual production units might be used for coating automotive metal parts or products on certain occasions, and automotive plastic parts or products on other occasions. Depending on market demand, these units may switch between categories within any given week. Claims that regulating these operations under separate NESHAP is counterproductive in that it would lead to increased calculations, recordkeeping, and reporting, particularly since the three NESHAP apply not only different compliance requirements, but different metrics as well, with no increased environmental benefit.</p> <p>Commenter also requests that EPA make it clear that in a case where a facility opts from one MACT coating rule to another, the facility's surface coating operations that were present before the switch are considered an existing source and not a new affected source.</p>	63.3082	IV-D-11 (p. 2-3)	<p>With regard to operations taking place at automobile and light-duty truck assembly plants, operators may include all operations related to coating automobiles and light-duty trucks and any parts of automobiles and light-duty trucks in demonstrating compliance with this standard, regardless of whether the coating is applied to metal, plastic, or a composite or assembly composed of metal and plastic. An affected source is a new affected source if construction commenced after December 24, 2002 and the construction is of a completely new automobile and light-duty truck assembly plant where previously no automobile and light-duty truck assembly plant had existed, a completely new automobile and light-duty truck paint shop where previously no automobile and light-duty truck paint shop had existed, or a new automobile and light-duty truck topcoat operation where previously no automobile and light-duty truck topcoat operation had existed.</p>

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3	<p>Supports the exemption in the proposed rule of surface coating that occurs at research or laboratory facilities or that is part of janitorial, building, and facility maintenance operations. Recommends that this definition be expanded further to include those research and development activities co-located at auto/LDT assembly plants which include the testing of coatings on panels, the testing of new types of coating equipment in simulated coating booths, pilot operations, and quality assurance/quality control tests.</p>	63.3081(c)	IV-D-14 (p. 18)	<p>In this source category, research and development activities are sometimes conducted on new auto and light-duty truck surface coating operations located within a manufacturing plant. These research and development operations are co-located with manufacturing lines in order to test the product at the same manufacturing parameters, e.g., temperature and humidity, as those of the products currently being surface coated. Therefore, the final rule language has been written to reflect this. The use of the terms research or laboratory operations, rather than facilities, will also make this language consistent with the affected source description in the final rule. The proposed definition of research or laboratory facility also has been revised to reflect this change.</p>
4	<p>Supports the exemption of hand-held nonrefillable aerosol containers, touchup markers, marking pens, or pinstriping from the definition of coating operations since emissions from these sources are truly <i>de minimis</i> and extremely difficult to quantify to establish a limit. Requests that small touchup bottles also be excluded from the definition of coating operations for the same reason.</p>	63.3176	IV-D-14 (p. 18-19)	<p>The definition of coating operation in the final rule has been revised to exclude touchup bottles. In addition, a definition of touchup bottle has been added to the final rule.</p>

Topic No.	Comment	FR reference (§/page no.)	Commenter ( page no.)	Response
5	<p>Notes that the definition of the term “coating” excludes certain decorative, protective, or functional coatings that consist only of protective oils. Submit that auto/LDT assembly plants also apply several different types of temporary coatings, e.g., travel wax and blackout coatings. These coatings serve a cosmetic purpose and are not designed to remain on the vehicle for a long time. These “cosmetic coatings” should not be included in the definition of coating for the purposes of the MACT standard given their temporary nature and the fact that emissions from these coatings are minimal.</p>	63.3176	IV-D-14 (p. 19)	<p>The definition of coating operation has been revised to exclude the application of temporary materials such as protective oils and "travel waxes" that are designed to be removed from the vehicle before the vehicle is delivered to the retail purchaser.</p>
6	<p>Recommends a minimum threshold cutoff for purposes of applicability of the rule. Requests that EPA provide an exemption of 250 gallons per year, similar to the usage cutoffs in other MACT standards.</p>	63.3081	IV-D-14 (p. 19)	<p>The commenter did not provide any data to support the inclusion of this type of exemption in the final rule. The MACT determination took into account emissions and solids from "special colors". These materials are not exempt from the NSPS, and reporting systems to account for them are presently in place at most, if not all, assembly plants. The definition of coating operation in the final rule has been revised to exclude "touchup bottles", which will exempt some materials used in very small quantities.</p>

Topic No.	Comment	FR reference (§/page no.)	Commenter ( page no.)	Response
7	<p>Since the Miscellaneous Metal Parts and Plastic Parts and Products MACT standards apply to operations not already covered by an existing MACT standard and will be promulgated before the Auto and Light-duty Truck Surface Coating MACT standard is finalized, it is critically important that EPA clarify in the final rule that the Auto and LDT surface coating MACT applies to auto/LDT surface coating operations.</p>	63.3081(c)(1)	IV-D-14 (p. 19)	<p>As proposed, subpart IIII does not apply to “surface coating subject to any other NESHAP in this part as of the promulgation date, including plastic parts and products surface coating and miscellaneous metal parts surface coating.” The final rule, as well as the amended final rules for plastic and miscellaneous metal parts coating clarify the applicability of these standards and the options available for facilities subject to these standards that are collocated with automobile and light-duty truck surface coating facilities.</p>



Topic No.	Comment	FR reference (§/page no.)	Commenter ( page no.)	Response
8	<p>Commenter has issued new source review permits for two different automobile assembly plants with case-by-case MACT determinations (under 63.40 - 112(g)) which have HAP emission limits more stringent than those in the proposed MACT. Asks if the regulatory requirements of NESHAP Subpart IIII will apply or will the facilities continue to be subject to limits established in their permits under 112(g).</p> <p>Commenter also has issued a new source review permit for a new automobile assembly plant with a case-by-case MACT determination (under 63.40 - 112(g)) which has HAP emission limits more stringent than those in the proposed MACT. Notes that this facility has not begun construction. Asks if the regulatory requirements of NESHAP Subpart IIII will apply to this new affected source or if it will be subject to limits established in its permit under 112(g).</p> <p>The commenter acknowledges that this issue could be broader in scope than this NESHAP and asks how the permitting agency determines which limits and conditions apply?</p>	63.40	IV-G-01 (p. 4-5)	<p>Based upon the process used for making section 112(g) determinations and a brief review of some of the section 112(g) determinations made for facilities in this industry, we expect that the result of a thorough review would be that most or all of the section 112(g) determinations made for facilities in this industry are equivalent to MACT. These reviews and equivalency determinations are best done on a case-by-case basis by the permitting authority.</p> <p>In accordance with §63.44(c), if the level of control required by the emission standard issued under section 112(d) is less stringent than the level of control required by a prior case-by-case section 112(g) MACT determination pursuant to §63.43, the permitting authority is not required to incorporate any less stringent terms of the promulgated standard in the title V operating permit applicable to the facility. In such a case, the permitting authority may choose to have the section 112(g) MACT determination remain in effect. Alternatively, the permitting authority may choose to have the NESHAP come into effect for the facility in place of the section 112(g) MACT determination. In this case the facility</p>

Topic No.	Comment	FR reference (§/page no.)	Commenter ( page no.)	Response
8 (cont)			IV-G-01 (p. 4-5)	<p>may be given up to eight years from the promulgation date of the NESHAP to comply with the NESHAP. The changes in equipment, materials, monitoring, recordkeeping and reporting necessary to demonstrate compliance with the NESHAP rather than with the section 112(g) determination and the fact that the NESHAP is less stringent than the section 112(g) determination should be taken into account in determining how much time the facility is given to comply with the NESHAP.</p> <p>In the less likely event that the level of control required by the emission standard issued under section 112(d) is not found to be less stringent than the level of control required by a prior case-by-case section 112(g) MACT determination, then the facility must comply with the NESHAP. In this case the facility may be given up to eight years from the promulgation date of the NESHAP to comply with the NESHAP. The changes in equipment, materials, monitoring, recordkeeping and reporting necessary to demonstrate compliance with the NESHAP rather than with the section 112(g) determination and the fact that the NESHAP is not less stringent</p>

Topic No.	Comment	FR reference (§/page no.)	Commenter ( page no.)	Response
8 (cont)			IV-G-01 (p. 4-5)	<p>than the section 112(g) determination should be taken into account in determining how much time the facility is given to comply with the NESHAP.</p> <p>As an alternative, if the level of control required by the emission standard issued under section 112(d) is not found to be less stringent than the level of control required by a prior case-by-case section 112(g) MACT determination and the difference in stringency is small, then the permitting authority could amend the facility's operating permit to make it equivalent to the NESHAP and have the section 112(g) MACT determination remain in effect. This approach may be less burdensome on both the facility and the permitting authority than having the NESHAP come into effect for the facility while achieving the same environmental results.</p>
<b>II. Affected Source (63.3082)</b>				
1	Supports inclusion of flash-off areas and ovens in the proposed rule. Air tempering systems in the spraybooth and the flash-off booths as well as the ovens are integral to auto/LDT surface coating operations and it is appropriate to include this equipment in the proposed rule.	63.3082	IV-D-14 (p. 10)	As at proposal, the affected source includes all coating operations as defined in §63.3176 which includes at least the point where the coating is applied and all subsequent points in the affected source where organic HAP emissions from that coating occur.

Topic No.	Comment	FR reference (§/page no.)	Commenter (page no.)	Response
2	<p>Supports the proposed criteria for the applicability of the new source MACT limits in 63.3082(c) and (d), i.e., when the construction is of a “<i>completely new automobile and light-duty truck assembly plant where previously no automobile and light-duty truck assembly plant had existed, or a completely new paintshop where previously no paintshop had existed.</i>” (Commenter emphasis added.) However, believes it should be made clear in the final rule that for existing sources, changes made to the facility should not trigger the new source MACT limits. Thus, also agrees with the inclusion in proposed 63.3082(d)(1) of the 50 percent capital cost benchmark to determine when the replacement of components/equipment at a source constitutes “reconstruction” and should be subject to new source MACT, unless it is the case where the costs are associated with activities related to compliance with the existing source MACT.</p>	63.3082(c) & (d)	IV-D-14 (p. 14)	<p>Paragraph 63.3082(f)(2) is being promulgated as proposed. The definition of reconstruction in this paragraph is consistent with the definition of reconstruction in §63.2 of the General Provisions which states that reconstruction means the replacement of components of an affected or a previously nonaffected source to such an extent that: (1) The fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable new source; and (2) It is technologically and economically feasible for the reconstructed source to meet the relevant standard(s) established by the Administrator (or a State) pursuant to section 112 of the Act. Capital costs associated with compliance with this rule are included when determining whether reconstruction has taken place.</p>
3	<p>Submits it does not appear that the term “technologically and economically feasible for the reconstructed source to meet the relevant standards” in proposed 63.3082(d)(2) is defined or direction provided on how it is to be determined. Notes that this information may be included in the general provisions found at 40 CFR Part 63, Section A. Requests that if this is the case, it should be specifically indicated in the rule itself.</p>	63.3082(d)(2)	IV-G-01 (p. 4)	<p>“Technologically and economically feasible to meet the relevant standards” is not defined in the General Provisions or in Title I, Part A of the Clean Air Act. This determination is made by the Administrator.</p>

Topic No.	Comment	FR reference (§/page no.)	Commenter ( page no.)	Response
<b>III. Compliance Dates (63.3083)</b>				
1	<p>Notes that proposed 63.3160(a)(1) requires new sources to conduct performance tests and establish operating limits no later than 180 days after the applicable compliance date in 63.3083. Supports giving new sources 180 days to demonstrate compliance since it takes several months for a new auto/LDT coating operation to function at production level, consequently, the first few months of operation are not indicative of the emissions levels. Submits that it is imperative for EPA to clarify in 63.3083(a) that notwithstanding the compliance dates specified in 63.3083(a)(1)-(2), the compliance demonstration for new sources will occur within 180 days of the compliance dates for new sources.</p>	63.3083(a)(1)-(2)	IV-D-14 (p.33)	<p>Paragraph 63.3160(a)(1) is being promulgated as proposed. The requirement that a new source must conduct performance tests within 180 days after the applicable compliance date is consistent with §63.7(a) of the General Provisions. Initial startup has, however, been defined in the final rule (applicable to this subpart) in terms of initial production of a salable product. After promulgation, the compliance timeline will be developed for this rule and included in implementation information for the final rule.</p>
<b>IV. Emission Limitations (63.3090 &amp; 63.3091 Floor and Limits, 63.3092 Electrodeposition Primer, 63.3093 Operating Limits, 63.3094 Work Practice Standards)</b>				
1	<p>Diversity in technologies used is well represented by the top-performing 12 percent of database facilities. Four floor facilities use powder primer-surfacer applications systems. Others in the top performing group use some combination of low-HAP solvent-borne coatings, low-HAP waterborne coatings, and/or add-on control systems to reduce emissions.</p> <p>Supports the combination of the three major coating operations (as well as related operations ) into one MACT limit, and as an alternative option a separate limit for primer-surfacer and topcoat. Notes that the combination of operations accurately reflects the fact that <i>coating operations are an integrated system, not a series of unrelated operations</i> (commenter emphasis).</p>	78620-78622	IV-D-14 (p. 3,4)	<p>The MACT floor remains the same as at proposal.</p>

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1	EPA correctly uses consistently achievable monthly levels to establish the floor level. The use of the peak production month approach is both justified and necessary to assure achievability of the proposed floor levels. What EPA has proposed in this rule recognizes the normal fluctuations found in the motor vehicle industry.	78621	IV-D-14 (p. 5,6)	EPA acknowledges commenter's support for this approach and notes that the floor was based on peak monthly emission rate (not vehicle production rate) as an indication of achievable emission limitation.
1	Supports EPA's floor determinations for both new and existing sources as representative of what the top performing facilities in the industry can achieve in practice. Cites data gathering and data validation procedures used by EPA.	78620-78622	IV-D-14 (p. 6,7)	Noted.

Topic No.	Comment	FR reference (§/page no.)	Commenter ( page no.)	Response
1	<p>A commenter asserted that establishing a MACT floor (and monthly emission limits) based on the highest monthly average emission rates at the best (as determined on an annual basis) performing facilities would result in higher annual HAP emissions than the annual average emissions of the best performing plants. The commenter cited as an example the proposed MACT floor (and monthly emission limit) for the combined electrodeposition primer, primer-surfacer, topcoat, final repair, glass bonding primer, and glass bonding adhesive application operations of 0.60 lbs/gal of applied coating solids, which the commenter asserted is substantially higher (reflective of a less stringent limit) than the annual average of the eight lowest emitting plants (0.48 lbs/gal of applied coating solids).</p> <p>The commenter asserted that the same deficiencies affect EPA's proposed MACT floor for new and reconstructed sources, and noted that EPA used the peak monthly emissions of the lowest annual emitting source to establish a monthly average that is well above the actual annual emission level of the lowest emitting source. The commenter urged EPA to establish a MACT floor for new and existing sources that has both monthly and annual emission limits.</p>	78621	IV-D-05 (p. 2,3)	<p>The automobiles and light-duty trucks coated at each facility are coated in a variety of colors. This color variety is present not only among the topcoats, but also among the primer-surfacers. The make-up and content of each color varies. Each color, for example, has its own unique organic HAP content, VOC content and volume solids content. The coating application system, and therefore transfer efficiency, may also vary among the families of coatings (e.g., solid color basecoats and metallic color basecoats) used at a facility. The specific color mix produced varies from month-to-month. As a result of this variation in color mix, the organic HAP emission rate at a facility also varies from month-to-month.</p> <p>We had monthly emission data upon which to base the standards. We believe a monthly emission limit is appropriate and has been promulgated. Establishing a monthly emission limit based on annual emission rates would result in the best performing plants being out of compliance approximately 6 months per year. Such an emission limit would not appropriately account for monthly variation in color mix. The final standards reflect what is consistently achievable considering the typical variation in demand for particular colors of vehicles. Having both a monthly and</p>

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1 (cont)		78621	IV-D-05 (p. 2,3)	an annual emission limit would be redundant and burdensome (on both facilities and enforcement agencies), and would not lead to additional emissions reductions. Actual annual emission rates associated with consistent achievement of the final monthly standards will be substantially lower than the monthly emission limits. Establishing a standard of 0.48 lb/gal of applied coating solids and requiring it to be met on an annual basis, would not result in lower emissions than a standard of 0.60 lb/gal of applied coating solids which must be met each and every month.



Topic No.	Comment	FR reference (§/page no.)	Commenter ( page no.)	Response
1	<p>Commenter notes the proposed NESHAP values set limits of 0.01 pounds of HAP per pound of material used for adhesive and sealer application and 0.01 pounds of HAP per pound of material used for deadener. Via the review of three permits, the commenter has determined the 112(g) value for adhesives and sealer application and the deadener operations is that none of the materials used shall contain any volatile HAP as defined by the suppliers' MSDS sheets. The commenter notes that two of the permits were made effective more than 18 months prior to NESHAP proposal, but the commenter did not verify that the facilities were operating under the new permits 18 months prior to proposal. It does not appear to the commenter that these facilities were included in the floor analysis.</p> <p>The commenter encourages EPA to ensure that these facilities were included in the database if they were operating 18 months prior to the proposal and they were operating during the base year for the floor database. The commenter provides suggested language to be included in the rule for new sources.</p>	78621	IV-G-01 (p. 1)	<p>The base year of the database used to determine the MACT floors for new and existing sources is 1997. The limits are based, in part, on the detection limits (and the precision and accuracy achievable at low concentrations) of available approved chemical analytical methods. Material Safety Data Sheets typically report concentrations of less than 0.01 lb noncarcinogenic HAP per lb material (less than 0.001 lb carcinogenic HAP per lb material) as zero, indicating that the limits suggested by the commenter are equivalent to those of the final rule. The rule provides that Method 311 is presumed (subject to rebuttal) to take precedence over MSDS sheets or other formulation data. Facilities may be unable to reliably demonstrate that coatings contain "no volatile HAP" by this method.</p>
2	<p>The electrodeposition option should be revised to allow facilities to comply using the average organic HAP content of the electrodeposition materials. This revision would make this option more practical and would accurately reflect the electrodeposition materials used by existing sources.</p>	63.3092(a)	IV-D-14 (p. 5)	<p>The electrodeposition option is based on the composition of materials in use by the best performing plants in the industry. All facilities (except for those that do not operate electrodeposition systems) may use the standards of §63.3090(a) or §63.3091(a) which incorporate averaging of emissions from various electrodeposition materials.</p>

Topic No.	Comment	FR reference (§/page no.)	Commenter (page no.)	Response
3	EPA should revise proposed 63.3092(b) so that the electrodeposition option references “destruction efficiency” instead of “control efficiency.” This term is consistent with 63.3166, which provides affected sources with a method to determine destruction efficiency.	63.3092(b)	IV-D-14 (p.5)	Section 63.3166 provides the procedures and test methods to determine the add-on control device destruction or removal efficiency (DRE). A solvent recovery system could be used which would provide non-destructive emission control.
4	EPA should make it very clear in the preamble to the final rule and in the final regulatory language that facilities using the electrodeposition primer option have to comply with either the compliant material or the 95 percent destruction efficiency requirement. In Tables 2 and 3 in the preamble and in 63.3090(b), EPA describes the requirements as additive “(a) and (b).” This is not consistent with 63.3092.	Preamble Tables 2 & 3 and 63.3090(b)	IV-D-14 (p. 5)	The commenter is correct; a facility using the electrodeposition primer option has the choice of complying with either §63.3092(a) or (b). This correction has been made in §63.3090(b) and in the promulgation preamble.
4	Claims that there appears to be a serious discrepancy throughout the proposed rule with the language used for control of emissions from electrodeposition primer systems. Notes that while EPA states under proposed 63.3092 that “if electrodeposition primer system meets the requirements of either paragraph (a) or (b) of this section, you may choose to comply with the emission limits...,” the same provisions under proposed 63.3090(b) and 3091(b) state “(i)f you meet the operating limits of 63.3092(a) and (b)...” Similarly, in Tables 2 and 3 of the proposed rule, for combined primer-surfacer, topcoat, final repair, glass bonding primer, and glass bonding adhesive operation the language reads “(for sources meeting the operating limits of 63.3092(a) and (b)). The commenter states that where EPA discusses the compliance option in the preamble to the proposed rule, the conjunctive “or” is used. The commenter believes that the correct interpretation is “or,” and requests EPA to make this conforming change throughout the regulation in the final rule.	Preamble Tables 2 & 3 and 63.3092, 63.3090(b), and 63.3091(b)	IV-D-11 (p. 5-6)	See response above.
5	Focus of the proposed MACT standards on emissions of organic HAP is appropriate since the amount of inorganic HAP emissions from auto/LDT surface coating operations is insignificant.	78620	IV-D-14 (p. 6)	The final standards contain no requirements for inorganic HAP. We agree that the amount of inorganic HAP emissions from these surface coating operations is insignificant.

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5	Supports EPA's analysis to exclude inorganic HAP from the regulation, given the limited to no air emissions from these compounds.	78620	IV-D-11 (p. 6)	See response above.

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5	<p>Submits that regulations under Section 112 of the Clean Air Act must include emission standards for each hazardous air pollutant that a category emits. Asserts that the proposed regulations fail to comply with that mandate. States that even though the agency states that auto coating sources emit many different hazardous air pollutants, including metals such as lead, manganese and chromium compounds, the agency has proposed standards for only organic HAP. Accordingly, EPA's proposal is unlawful.</p>	78614	IV-D-05 (p. 2)	<p>Most of the coatings used in this subcategory do not contain inorganic HAP. The only use of lead in coatings in this source category is in electrodeposition primers. None of this lead is emitted because these primers are applied by dip coating. Lead is being phased out of electrodeposition primers. For spray applied coatings, most of the inorganic HAP components of these coatings remain as solids in the dry coating film on the parts being coated, are collected by the circulating water under the spray booth floor grates, or are deposited on the walls, floor, and grates of the spray booths and other equipment in which they are applied. The waterwash systems which are present in all primer-surfacer and topcoat spraybooths reduce the amount of coating droplets, and thus inorganic HAP, emitted to the air. These controls have been in place for many years. Facilities cannot operate without these controls. Therefore, inorganic HAP emission levels are expected to be very low and have not been quantified. The EPA has no basis upon which to establish MACT for inorganic HAP, and the commenter has supplied no data in support of an emission limit. Including control requirements for waterwash systems in the final rule would not be</p>

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5 (cont.)		78614	IV-D-05 (p. 2) (cont.)	expected to result in additional emission reductions and would only add to the regulatory burden on the industry.
6	EPA correctly concluded that beyond-the-floor limitations are not justified for this category. Beyond-the-floor MACT limits for new and existing limits would likely force the use of powder coatings for primer-surfacer to achieve compliance. This would have an extremely high cost with little environmental benefit and could lead to massive shutdowns in the industry.	78621 -78622	IV-D-14 (p.7-8)	No cost-effective beyond-the-floor alternatives were available. The best controlled facilities included plants that did not use powder coatings for primer-surfacer.
6	Supports EPA's analysis that beyond-the-floor limits for this source category were not technically feasible nor cost effective. Agrees that there is not currently lower HAP coatings technology to move beyond the floor limits and that while control options for beyond-the-floor limits may exist the cost of such clearly outweighs the emission reduction benefits.	78621 -78622	IV-D-11 (p. 6)	No cost-effective beyond-the-floor alternatives were available.
7	Supports the inclusion of touch-up, final repair, and glass bonding materials into the proposed emission limits for major coating operations since these materials are functionally tied to the electrodeposition primer, primer-surfacer, and topcoat operations.	78621	IV-D-14 (p. 8-9)	The final emission limits have been promulgated as proposed, (except that touch-up bottles have been excluded).
8	Submits that the separate limits for deadeners, adhesives and sealers at an average of 0.01 lb HAP per lb of material used each month are appropriate and accurately reflect what the top performing facilities can achieve in practice. Recommends that for deadeners, adhesives and sealers, EPA provide the option to combine these coatings into the same averaged limit of 0.01 lb HAP per lb of material. This option would help to streamline compliance and minimize the recordkeeping burden with no detrimental impact on emissions.	63.3090(c) & (d)	IV-D-14 (p. 9-10)	Keeping these limits separate, as proposed will provide more incentive for facilities to limit use of certain adhesives with relatively higher organic HAP contents.

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9	<p>Agrees with EPA’s use of work practices to address the HAP emissions from cleaning operations at auto/LDT surface coating operations. What may be appropriate at one facility may not work at another due to differences in substrate materials, coating materials, configuration of the facility, etc. Thus a “one-size-fits-all” approach to cleaning is not appropriate. Work practices appropriately address the fact that facilities are configured differently and use different materials. The menu of different cleaning work practices for the various cleaning operations is comprehensive and allows a facility to select the choices that are most appropriate for a particular coating technology and coating line configuration.</p> <p>However, recommends that facilities be required to implement <i>one option</i> (commenter’s emphasis) from each menu item given that several of the options may conflict with one another or may be mutually exclusive. In addition, allowing an affected source to substitute an approved equivalent or alternative measure if several of the practices under each type of cleaning operation are not applicable is also appropriate and allows a facility to develop a plan tailored to the facility to minimize emissions.</p>	63.3094(c)	IV-D-14 (p. 10-11)	<p>EPA agrees with the commenter that it is impossible to specify a single set of requirements that will work in all situations. Similarly, EPA is uncertain that any one of the work practice options will be optimal for all present and future situations. Review and approval of the work practice plan by the permitting agency provides more flexibility for facilities to propose, or the agency to require, site-specific practices which will minimize HAP emissions.</p>
10	<p>Understands that one work practice plan is required to minimize HAP emissions from storage, mixing, and conveying of coatings/solvents and another work practice plan is required for emissions from cleaning and purging operations. Submits that it makes more sense to allow sources to develop one comprehensive work practice plan covering storage, mixing, and conveying of coatings/solvents as well as cleaning/purging operations. Requests that only one plan be required for a facility.</p>	Preamble at 78616	IV-D-14 (p. 11-12)	<p>This seems to be a question of semantics. Each of the emission sources listed in §63.3094 must be addressed in the work practice plan(s). A single plan, with two sections that addresses all of the elements and operations in §63.3094(b) and (c) would be adequate. Facilities might, however, prefer separately reviewable plans. Similarly, permitting agencies might choose to review two separate plans at the same time.</p>

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11	<p>Recommends that the work practice plan developed pursuant to the requirements of the proposed rule be used for those surface coating operations at auto/LDT assembly plants that are covered by other MACT standards, e.g., Surface Coating of Miscellaneous Parts and Products and Surface Coating of Plastic Parts and Products. Having one set of requirements for similar operations would eliminate conflicting and duplicative requirements and facilitate compliance.</p>	78616	IV-D-14 (p. 18)	<p>Plants opting to include collocated plastic and metal parts coatings operations in their affected source under this subpart may address these operations according to the work practice requirements of this subpart. If a plant complies with more than one surface coating rule, any differences in requirements must be addressed on a category-by-category basis. None-the-less, a single set of practices might be developed that is sufficient to satisfy the requirements of all of the rules.</p>
12	<p>Notes that EPA can provide additional flexibility to those facilities using non-HAP or low-HAP materials for cleaning by exempting those facilities (or portions of the facilities that use non-HAP or low-HAP materials) from a work practices requirement. Cites other recently proposed MACT standards that did not require work practices for sources using compliant coatings or complying with the emission limits without add-on controls as precedent.</p>	63.3094	IV-D-14 (p. 12)	<p>The use of no-HAP or low HAP materials for cleaning or purging might (subject to permitting agency review) be a sufficient element in a work practice plan. The other recently proposed standards that the commenter referred to either required that cleaning materials contain no HAP, or that the HAP emitted from cleaning be included with the HAP emitted from surface coating. In this rule, cleaning and purging emissions are regulated separately from coating emissions, by means of a work practice plan.</p>

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13	<p>Claims requirement to document that a source is in continuous compliance with work practices is confusing and should be modified and streamlined. Continuous documentation of compliance with the work practice plan could be difficult, at best, and appears to be unnecessary. Provides language to be inserted into 63.3094 in lieu of the requirements in 63.3161(c) and 63.3130(n). Under the recommended language, continuous compliance with the work practices would be confirmed by the presence of the work practice plan and the documents used to verify performance of the work practice activities, i.e., operational or maintenance records, documented inspections or internal audits, third party certifications or similar practices to confirm the work practices are being performed on a continuing basis.</p>	63.3094	IV-D-14 (p.12-13)	<p>Continuous documentation is not required, rather the recordkeeping requirements of §63.3130(n) call for documentation that you are implementing the plan on a continuous basis. As a clarification, the records cited by the commenter (i.e., operational or maintenance records, documented inspections or internal audits) have been added to paragraph 63.3130(n) of the final rule as examples of documentation that demonstrate you are implementing the plan on a continuous basis.</p>
14	<p>Requests that language be inserted into 63.3094 explicitly stating that the work practice plan does not have to be incorporated into a permit issued pursuant to Part 70. This would be consistent with the treatment of the Startup, Shutdown, and Malfunction Plans and would ensure that the Title V permit would not require modification every time a small revision is needed to the work practice plan. Such a requirement is overly burdensome and does not provide any additional environmental benefit.</p>	63.3094	IV-D-14 (p. 13)	<p>Section 63.6(e)(3)(ix) of the General Provisions stipulates that any revisions made to the SSMP in accordance with the procedures established by this part shall not be deemed to constitute permit revisions under Part 70 or 71 of this chapter. Similarly, permit revisions should not be required for revisions to the work practice plan. A requirement to modify the permit could prohibit needed revisions to the work practice plan. Therefore, paragraphs (e) and (f) have been added to §63.3094 of the final rule explicitly stating that the current work practice plan (and previous versions up to 5 years after revision) must be available for inspection and copying by the Administrator, but should not be incorporated into the Title V permit.</p>



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15	<p>Submits that the agency proposes no use of a de minimis concentration cutoff for emissions from add-on control devices. Cites two significant limitations to the use solely of percent reduction: (1) the need to know or test for HAP entering and exiting the control device and (2) the difficulty control devices experience treating dilute air streams to reduce the component concentrations to the proposed standard. Notes that in other MACTs, the agency has proposed the use of a de minimis concentration, i.e., 20 ppm of VOC, HAP, or total HAP as an alternative to the percent reduction and suggests that the agency provide the 20 ppm de minimis concentration option for add-on control devices.</p>	63.3090 - 63.3091	IV-D-10 (p. 5-6)	<p>The format of the emission limits for electrodeposition primer, primer-surface and topcoat do not specify a minimum control device efficiency, thus a <i>de minimis</i> exit gas concentration is inappropriate for this standard. The eligibility for demonstrating compliance separately for the electrodeposition primer operation may (for some facilities) depend on a minimum control efficiency, but if this cannot be reliably demonstrated, sources need not choose to demonstrate compliance in this way.</p>
16	<p>Claims that the limit for combined electrodeposition primer, primer-surfacer, topcoat, final repair, glass bonding primer, and glass bonding adhesive operation in Table 3 reads: “0.072 kg (0.60 lb) organic HAP/liter (HAP/gal) of <i>coating deposited</i> (emphasis added by commenter) should read “coating solids deposited.”</p>	Preamble Table 3	IV-D-11 (p. 6)	<p>The terms of the emission limit are correct in proposed section §63.3091. The error in the terms of the emission limit in Table 3 of the proposal preamble has been corrected in the final preamble.</p>

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17	<p>Notes that the proposed NESHAP covers fewer operations within the source category than the 112(g) determinations completed to date. Additional operations covered by 112(g) determinations include purge and cleanup operations for three facilities, foam and maintenance painting for two facilities and sound damp operations. Notes that two of the permits were made effective more than 18 months in advance of NESHAP proposal, though commenter has not verified that the facilities were operating under the new permit 18 months prior to proposal. Encourages EPA to include the facilities in the database if they were operating 18 months prior to proposal and were operating during the base year for the floor database. Believes that purge and cleanup operations, foam, and maintenance painting operations should be identified individually in the rule or identified as part of a grouping of operations with an overall emission limit.</p>	78615	IV-G-01 (p. 1-2)	<p>While facilities provided extensive data on purge material usage to EPA in response to information collection requests, estimates of recovery of these materials were extremely variable, with facilities of similar operation estimating very different recoveries. These data were not reliable enough to establish MACT on a numerical basis. EPA chose to limit emissions from these operations through work practices.</p> <p>Cleaning material usage data were also provided, however since a) emissions from these materials are rarely controlled, b) EPA has no reliable data on the controllability of cleaning operations, and c) cleaning material usage is not well correlated with vehicle production, EPA chose to limit emissions from these operations through work practices.</p> <p>EPA has no data on HAP emissions from foam. Industry representatives have indicated in recent discussions, that as far as they know, there are no HAP emissions associated with foam. Deadener application (for sound control) is subject to a standard based on the</p>

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17 (cont.)			IV-G-01 (p. 1-2) (cont.)	reliably demonstrable composition of very low-HAP material. One facility reported the use of cavity wax; no HAP content data were available and the facility assumed that it resulted in essentially zero HAP emissions. EPA has excluded maintenance coating from this subpart. No data were available upon which to base a MACT floor for this operation.

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18	<p>Requests that EPA update the <u>Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations</u> (the protocol). Points out that all of the automobile assembly plants throughout the US currently demonstrate compliance with the pounds of VOC per gallon of applied coating solids limits and the mass of VOC limits in their permits by using a modified version of the protocol. Notes that the protocol was finalized by EPA in 1988, before booth control was in use, and has not been officially updated to include booth controls.</p> <p>States that the calculations within the protocol are based upon a series of assumed or measured values including the number of vehicles painted, the surface area of each vehicle painted, the amount of coatings used, coating VOC and solids content, booth-oven splits (oven solvent loadings), transfer efficiency, and destruction efficiency. Although not part of the approved protocol, the automakers also use capture efficiency of the spray booths in their calculations. Because of the complexity of the compliance calculations and the quantity of data involved, the auto companies have computerized the process.</p> <p>Submits that most auto companies submit and/or keep on file the intermediate calculations and the final gallons of applied coating solids numbers supplied by their computer program. Since the raw data are not readily available, regulatory agencies cannot easily duplicate the company's calculations to verify compliance.</p> <p>Asserts that if the NESHAP limits are approved as proposed, it is important that the protocol be prescriptive in order that compliance is verifiable. Suggests that the input values and algorithms be incorporated in the rule so there is no confusion concerning what values must be maintained in records and their computational methodology to arrive at a compliance demonstration. Commenter believes that unless the protocol is updated, it appears that confirming compliance with the NESHAP limits will be difficult and complicated.</p> <p>Commenter provides a list of updates to the protocol that at a minimum is needed.</p>	63.3161(d) & (g) 63.3165(e)	IV-G-01 (p. 2-3)	<p>We agree that the 1988 protocol needs to be updated to accommodate control of spray booth emissions and to address primer-surfacer operations. We have not completed the revisions to the protocol before promulgating this rule. We expect to do so shortly and plan to update the references in the rule to cite the revised protocol when it is available.</p> <p>The final rule references the 1988 protocol. We do not expect any of the items referenced in the 1988 protocol to change significantly. We also expect that any new features of the revised protocol which would be relevant to the final rule are already in the final rule itself. For example, the final rule addresses control of spray booth emissions and contains provisions for determining organic HAP emission from primer-surfacer operations.</p> <p>The final rule provides that sources maintain, on-site, for two years, a record of all raw data, protocol input data, algorithms, and intermediate calculations; and that this information must be provided to the permitting authority in electronic form and on paper, upon request.</p>

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19	<p>Submits that inline repair was included in the 112(g) demonstrations completed to date for topcoat operations. Commenter has completed a 112(g) analysis for three facilities, for which inline repair accounted for 3.7, 9.0, and 18.9 percent of the total topcoat VOC emissions, respectively, at these facilities. Notes that these operations may be grouped with other operations in the rule and that if this is the case, it should be stated in the rule. Suggests that if the database does not show the same contribution to the overall emissions for these operations, then these data need to be reviewed before the rule is finalized to determine if inline repair operations should be identified in the rule.</p>	63.6090(a) & (b)	IV-G-01 (p. 4)	<p>Emissions from final repair are grouped with primer-surfacer and topcoat. In-line repair is included in the definition of topcoat. Where HAP control efficiency is unavailable for inline repair operations, facilities must assume that these operations are uncontrolled.</p>
20	<p>Notes that for operating limits, a facility is required under the proposed MACT to determine site-specific parameter limits during performance testing, however, it appears that no information is included in the proposal on how performance parameters should be determined for circumstances in which an EPA approved test method does not exist.</p> <p>Specifically submits that waterwash controls for paint spray booths that are designed for particulate control are being evaluated for VOC control. States that HAPs are typically found in large quantities in water-based coatings. With the increased use of water-based coatings, and the requirement for site-specific parameter limits, facilities may want to use the waterwash control as the primary control for HAP. Believes this is reasonable considering that the coatings in use are water soluble.</p> <p>Points out that no EPA test protocol has been designed to address field testing of a waterwash control system. Requests that EPA provide industry and the regulatory agencies with either an approved testing protocol or a technical guidance document prior to requiring facilities to submit this information. This will provide for a consistent approach by all regulatory agencies and automakers during initial performance testing.</p> <p>Also requests that if this will be addressed as an “alternate test method,” it should be explicitly stated in the rule.</p> <p>Asks for both new and existing facilities, what parameter limits EPA envisions a facility using to monitor HAPs removed by waterwash systems if capture credit is used by a facility.</p>	63.3167	IV-G-01 (p. 5)	<p>No facilities are presently using the spray booth waterwash as a VOC or organic HAP control device and no specific method for testing has been developed. If a facility wanted to use a device of this type to control HAP, the same methods in 40 CFR 60, part A presently used for oxidizers and adsorbers might be adapted for this purpose. Alternately, the test methods and operating parameter monitoring applicable to wet scrubbers might be adapted for this purpose. A source would be required to obtain approval of an alternate test procedure and monitoring approach of their choice under the General Provisions, if these data were to be used to demonstrate compliance.</p>

Topic No.	Comment	FR reference (§/page no.)	Commenter ( page no.)	Response
21	<p>Points out that when recording operating temperatures for thermal or catalytic oxidizers, the proposed MACT states that the temperature must be monitored and recorded at least once each 15 minutes. Notes that many facilities now use computers to record monitoring data, allowing for simple data reduction.</p> <p>Believes that as currently written, there is no language in the proposed rule to preclude a facility from continuous monitoring and reporting only the single best temperature recorded in a 15-minute period, potentially allowing a facility to show compliance with the temperature requirement based on a single recording event that may not be representative of the full compliance over the 15-minute period. States that although more frequent monitoring and recording would be preferable, at a minimum, language should be added to the proposed rule that states the temperature shall be monitored and recorded at whatever frequency the recording device is currently operating, but the frequency must be at least once each 15 minutes and at a regular interval. An alternative to this may be to require the use of low temperature alarms in conjunction with the 15-minute interval recording, with an additional requirement that requires the facility to report any and all events that trigger the low temperature alarms.</p> <p>Commenter submits that the proposed temperature monitoring language is not consistent with that which was included in several previously promulgated NESHAP or with the temperature monitoring language in the NSPS for Automobile and Light-duty Truck Surface Coating Operations (40 CFR Part 60, Subpart MM). The commenter cited three NESHAP that all require “a temperature monitoring device equipped with a continuous recorder and one that requires a continuous monitoring system which must record one-minute average values. The Subpart MM NSPS requires that “the owner or operator shall continuously record the incinerator combustion temperature during coating operations for thermal incineration.”</p> <p>The commenter states that if EPA determines that intermittent temperature recording is sufficient to demonstrate compliance then suggested language is as follows: “A facility shall maintain records of oxidizer temperature at regular, equally spaced intervals, with a maximum interval time of once each 5 minutes. Any additional data that is recorded shall also be part of the required record.”</p>	63.3167(a) & (b)	IV-G-01 (p. 6)	<p>"Continuously" as it applies to the subpart MM NSPS means at least once every 15 minutes. The final rule has been clarified to require temperature monitoring, and recording of temperatures, at any evenly spaced interval of at least once every 15 minutes. All valid data must be included in any average used to demonstrate compliance.</p>

Topic No.	Comment	FR reference (§/page no.)	Commenter ( page no.)	Response
22	<p>Notes that the proposed rule states that the operating limit for a thermal oxidation device is based on a 3-hour average temperature as measured during the initial performance test. Recommends that the rule require a minimum temperature of 1400°F. Notes that the industry has stated it is difficult to operate the control device near the required minimum temperature. Submits that the simple solution is to operate the control device at a temperature that is sufficient to maintain the minimum temperature and takes into account the natural fluctuation of the control device. Provides suggested language to implement this solution.</p>	63.3167(a)	IV-G-01 (p. 7)	<p>The commenter is correct that the oxidizer could be operated at a temperature above the minimum temperature determined in the performance test to provide a buffer from temperature fluctuations that could result in a deviation. The determination of MACT was based on data from facilities operating under permits requiring control device parameters to be maintained on a three hour average basis, at a temperature determined by average performance test conditions.</p>
23	<p>Submits that in the “Rationale for Selecting the Proposed Standards” portion of the preamble, EPA states that five formats were considered for the allowable organic HAP emission limits from the affected sources. A limit of organic HAP emissions per unit of surface area was rejected based on the inconsistent basis of the surface area coated estimates by the different manufacturers. Noted that EPA further stated that “The data that we received were incomplete, and the methods of estimating vehicle surface areas varied widely.”</p> <p>The commenter is quite troubled with this statement, noting that all US Auto Manufacturers currently demonstrate compliance with their pounds of VOC per gallon of applied coating solids limits by using the EPA auto protocol. One of the essential components of the protocol is the surface area coated. Submits that if EPA believes that the data are inconsistent and incomplete, then the auto protocol should be revised to correct this deficiency or disregarded altogether, as these statements reveal that the methods currently in use for determining compliance at auto facilities are inherently faulty and incorrect due to poor surface area data. Otherwise, the commenter recommends that the proposed NESHAP be re-evaluated using the most current, statistically acceptable data for surface area where appropriate.</p>	78623	IV-G-01 (p. 9)	<p>The protocol requires that surface areas of different vehicle types be determined in a manner that is consistent within the facility (so that facility emissions can be allocated by production). A consistent approach has not been required from facility to facility and it is impossible to reliably compare reported surface area data between different facilities.</p>
<p><b>V. Notifications, Reports, and Records (63.3110 Notifications, 63.3120 Reports, 63.3130&amp;31 Records)</b></p>				

Topic No.	Comment	FR reference (§/page no.)	Commenter ( page no.)	Response
1	Notes that according to proposed 63.3110(c), notification of compliance status is due within 30 days following the end of the initial compliance period. Requests the 60 day time period specified in the General Provisions 63.9(h) for submittal of the compliance notification.	63.3110(c)	IV-D-14 (p. 33)	The final rule has been changed to allow new sources sixty days from the end of the initial compliance period for submission of the notification of compliance status.
2	States that most sources that will be subject to this MACT have already notified the States of the applicability of the Auto/LDT Surface Coating MACT pursuant to the requirements of Section 112(j) of the Clean Air Act. Requests that EPA amend proposed 63.3110 so that affected sources having submitted notifications under section 112(j) will be exempt from the initial notifications of the General Provisions.	63.3110	IV-D-14 (p.40-41) IV-D-11 (p. 7)	The final rule has been changed to allow notifications submitted under section 112(j) to serve as the initial notification.
3	Requests EPA to delete the requirement in proposed 63.3120(a)(4) that would require sources to include in their semiannual reports (or Title V reports) that no deviations occurred. This rule should defer to the already-established Title V reporting requirements. Under 40 CFR 70.6(a)(3)(iii)(A), reports of any required monitoring must be submitted at least every 6 months and those reports must clearly identify all instances of deviations from permit requirements. Since the responsible official must certify that the semi-annual report of required monitoring is complete, the requirement in proposed 63.3120(a)(4) is redundant. At a minimum, EPA must clarify that the statement is not a guarantee that there were no deviations because all certifications are based on information and belief, formed after reasonable inquiry. Provided a facility conducts a reasonable inquiry (e.g., reviews its required monitoring information), the fact that a deviation is missed during this process is not itself a violation.	63.3120(a)(4)	IV-D-14 (p. 41)	The fact that no deviations are reported for a 6-month period implies that no deviations occurred, but requiring a statement to that effect seems reasonable. This should assure permit authorities that reasonable inquiry did occur. If a deviation is missed, the report is inaccurate and suggests that the SSMP was not followed to correct the deviation. This would be a violation.



Topic No.	Comment	FR reference (§/page no.)	Commenter ( page no.)	Response
4	<p>Notes that EPA has historically differentiated between exceedences/excursions (now called deviations) from startup, shutdown, and malfunction and has used this terminology in other MACT standards. Also notes that the recognition they are different events is further evidenced by requiring two separated reports in previous standards: the Periodic Compliance Report and the periodic Startup, Shutdown, Malfunction Report. Acknowledges that filing a combined report saves time and resources and agrees with this as long as the deviation reporting section is distinct from the startup, shutdown, malfunction reporting section. Strongly recommends that EPA revise the rule to reflect that operations in accordance with SSM plans are not deviations and are not reported as such.</p>	63.3163(h) 78619	IV-D-11 (p. 7)	<p>Proposed §63.3163(h) provided that consistent with §§63.6(e) and 63.7(e)(1), deviations that occur during a period of startup, shutdown, or malfunction of the emission capture system, add-on control device, or coating operation that may affect emission capture or control device efficiency are not violations if you demonstrate to the Administrator’s satisfaction that you were operating in accordance with the startup, shutdown, and malfunction plan. The Administrator will determine whether deviations that occur during a period you identify as a startup, shutdown, or malfunction are violations according to the provisions in §63.6(e). According to §63.6(e), any affected source must at all times meet the emission standard or comply with the SSMP.</p>
5	<p>Notes that records of data used to determine transfer efficiency for primer surfacer and topcoat application are required under 63.3130(m), but the proposed NESHAP does not require any records for final repair, glass bonding primer, and glass bonding adhesive. Submits that the limits proposed in 63.3090(a) &amp; (b) will not be enforceable if the transfer efficiency data records for final repair, glass bonding primer and glass bonding adhesive are not required to be kept under 63.3130(m).</p>	63.3130(m)	IV-G-01 (p. 4)	<p>Facilities may assume 100% transfer efficiency for glass bonding primer and glass bonding adhesive. For final repair coatings, facilities may assume 40 percent transfer efficiency for air atomized spray and 55 percent transfer efficiency for electrostatic spray and high volume, low pressure spray. Facilities can choose to conduct transfer efficiency tests for these operations. Records are required to be kept of all transfer efficiency tests.</p>

Topic No.	Comment	FR reference (§/page no.)	Commenter ( page no.)	Response
6	<p>Commenter recommends a revision to the proposed recordkeeping requirements to ensure that data are available to verify compliance. Suggests that the following language from 63.3131: “Where appropriate, the records may be maintained as electronic spreadsheets or as a database.” to the following: “In addition to paper records, all records of calculations shall be kept in electronic spreadsheets or databases forms. These electronic spreadsheets or databases shall be able to make available all input values, all calculation steps, and all assumed values used and performed to calculate the final values or provide system documentation that contain these. The electronic spreadsheets or databases and all information contained in them shall be made available to the Administrator upon request.”</p>	63.3131	IV-G-01 (p. 3-4)	<p>A provision has been added to the final rule requiring sources to maintain, on-site, for two years, a record of all raw data, protocol input data, algorithms, and intermediate calculations; and that this information must be provided to the Administrator upon request. If calculations are computerized, data, calculations, and intermediate and final results must also be provided in electronic form, upon request.</p>
7	<p>States that the proposed MACT requires the facility to maintain records pertaining to the design and operation of the control and monitoring equipment for the life of the equipment. Suggests that the facility be required to keep the most current information on-site and that it be posted or filed near the equipment to which it pertains and provides suggested language. This would ensure that facility personnel have a readily accessible source of information that describes proper operation of the equipment in use and that an inspector has the ability to determine if the equipment is being operated properly and in compliance with the NESHAP.</p>	63.3131	IV-G-01 (p. 7)	<p>The final rule has been changed to require that records pertaining to the design and operation of the control and monitoring equipment be maintained on-site for the life of the equipment, in a location readily available to plant operators and inspectors.</p>

Topic No.	Comment	FR reference (§/page no.)	Commenter (page no.)	Response
<b>VI. Compliance Requirements for Adhesive, Sealer, and Deadener (63.3150, 3151,3152)</b>				
1	<p>Sections 63.3151, 3161, through incorporation by reference, and 3171(e) rely on Method 311 as one of the ways to determine the mass fraction of HAPs for demonstrating initial compliance. The proposed rule also stipulates that if there is a “disagreement” between supplier/manufacturer information and the results from test methods, then the test method results take precedence. Disagrees with the presumption that the test results are correct. Points out that there is considerable variability in the analytical test results even when Method 311 is run carefully. Cites technical causes of variability including thermal stability, sample handling, reactivity of some coatings, gas chromatograph (GC) column selection and the oven/column temperature profile. Presents attachment illustrating the wide variability associated with running Method 311.</p> <p>Notes that in past MACT standards, such as the MACT for Wood Furniture, EPA has permitted sources to rebut test results. Recommends that language be added to the final rule allowing the source to demonstrate to the satisfaction of the enforcement agency either that the formulation data were correct or that the results of the test were incorrect. Also recommends that EPA allow the use of formulation data for methanol, because in a coating with melamine resins, methanol may be generated by the temperature in the injection column of the GC. This methanol by-product would be recorded even though it is not present in the coating.</p>	63.3151, 3161, and 3171(e)	IV-D-14 (p. 34)	<p>The final rule provides that "in the event of any inconsistency between the Method 311 data obtained by the permitting agency and the formulation data used by the facility, or, between the Method 311 data obtained by the permitting agency and analytical data obtained by the facility, the Method 311 data obtained by the permitting agency shall govern (excluding HAP produced by chemical reaction in the analytical process), unless, after consultation, the facility demonstrates to the satisfaction of the enforcement authority that the facility's data are correct.</p>

Topic No.	Comment	FR reference (§/page no.)	Commenter ( page no.)	Response
1	<p>Supports the use of formulation data to determine and certify compliance with the requirements of the various VOC/HAP regulations. Notes that EPA has recognized for some time that coatings manufacturers may effectively certify that a coating is VOC/HAP compliant as long as the data have a consistent and quantitatively known relationship to EPA test methods, such as Method 24. Suggests that since manufacturer/supplier formulation data are often expressed in ranges of HAP levels, EPA should make it clear that the average of the range in these circumstances is appropriate to determine material amounts.</p> <p>Objects to the requirement that for enforcement and compliance purposes, the test methods will prevail. Submits that Method 311 can produce widely diverging test results for the same coating depending on factors such as the type of GC column used, detection temperature, HAP tested for, and the conditions under which the test is conducted. Claims the test method can have significant laboratory to laboratory divergence and that this is exacerbated by the low HAP limits that are proposed. Also notes that all of the limits are based on formulation data and State VOC regulations - data that were not subject to any testing under Method 311.</p> <p>Asserts that EPA must acknowledge these difficulties in the rule and state that formulation data will be the sole criterion for compliance until these issues are resolved. Submits that because of the demands of the marketplace, many coatings manufacturers have adopted “necessary and sufficient” testing according to ISO 9000 and other quality system tools to deliver tested products quickly while still ensuring performance. This renders the VOC/HAP testing requirements of the proposed rule time consuming, costly, and counter to the quality management systems already in place at most automobile and light-duty truck manufacturing facilities. Therefore, commenter recommends that the test methods in the proposed rule only be an option for determining HAP content for compliance, and that the test methods not prevail over the use of formulation data. At the very least, the commenter believes that EPA should provide the regulated source the opportunity to demonstrate to the satisfaction of the enforcement agency that the formulation data or default values in Table 3 or 4 of the proposed subpart were correct.</p>	63.3151(a)(4)	IV-D-11 (p. 3-5)	<p>Facilities are free to use formulation data and the rule does not require facilities to conduct Method 311 testing of coatings. However, in the event of any inconsistency between the Method 311 data obtained by the permitting agency and the formulation data used by the facility, or, between the Method 311 data obtained by the permitting agency and analytical data obtained by the facility, the Method 311 data obtained by the permitting agency shall govern, unless, after consultation, the facility demonstrates to the satisfaction of the enforcement authority that the facility's data are correct.</p> <p>When test data and manufacturer's data for solvent blends are not available, you may use the default values for the mass fraction of organic HAP in those solvent blends listed in Table 3 or 4 to this subpart. If you use the tables, you must use the values in Table 3 for all solvent blends that match Table 3 entries according to the instructions for Table 3, and you may use Table 4 only if the solvent blends in the materials you use do not match any of the solvent blends in Table 3 and you know only whether the blend is aliphatic or aromatic.</p>

Topic No.	Comment	FR reference (§/page no.)	Commenter ( page no.)	Response
1 (cont.)			IV-D-11 (p. 3-5) (cont.)	However, if the results of a Method 311 (appendix A to 40 CFR part 63) test indicate higher values than those listed on Table 3 or 4 to this subpart, the Method 311 results will take precedence unless, after consultation you demonstrate to the satisfaction of the enforcement agency that the formulation data are correct.
2	<p>Proposed 61.3151(a)(5) and 61.3161(e) through incorporation by reference allow sources to rely on the default values in Tables 3 and 4 when test data and manufacturer's data for solvent blends are not available. Supports use of Tables 3 and 4 to facilitate compliance determination, does not agree that Method 311 tests should take precedence over the default values. Requests that EPA add a provision to 53.3151(a)(5) in the final rule that protects sources using the information in Tables 3 and 4 from enforcement based on the use of these table values. Alternatively, EPA should allow sources the ability to rebut the presumption that the test results are correct.</p>	63.3151(a)(5)	IV-D-14 (p. 34-35)	See response above.

Topic No.	Comment	FR reference (§/page no.)	Commenter ( page no.)	Response
3	<p>Recommends additional procedures to assure consistency when using Method 311 for purposes of complying with the proposed rule. Suggests the following procedures to help assure that the testing performed by the enforcement agency is consistent with those tests run by the source (or coatings manufacturer): 1) the facility would provide to the applicable agency the determination of the proper test parameters to be used and the temperature at which the analysis should be performed, 2) the facility should have the option to divide any sample collected by the agency that implements and enforces the MACT standard, and 3) both the applicable control agency and the facility should be authorized to be present while sampling and/or testing under Method 311 is being conducted. At the very least, sources should have the opportunity to rebut the presumption that Method 311 test results are correct (see comment 1 in this section).</p>	63.3151(a)(1)	IV-D-14 (p. 35)	<p>The facility has the opportunity to provide any guidance to the permitting agency to assist in the chemical analysis of the coating, however, the rule does not require the permitting agency to follow the guidance of the facility in cases where it disagrees. The facility has the opportunity to conduct parallel sampling of any coating material that the permitting agency samples; no change to the rule is necessary to permit this. It is not feasible to guarantee that a representative of the facility may witness the chemical analysis. Permitting agencies may use testing laboratories where scheduling is uncertain and samples may be split for different analyses which may take place in different labs, (perhaps simultaneously). The facility has the opportunity to demonstrate to the satisfaction of the enforcement authority that the facility's data are correct.</p>

Topic No.	Comment	FR reference (§/page no.)	Commenter ( page no.)	Response
4	<p>Notes that Method 311 is one option provided in the proposed rule for determining HAP content of coatings. Under this option, regulated entities must account for HAPs that are present at 0.1 percent by mass or more for OSHA-defined carcinogens, as specified in 26 CFR 1910.1200(2)(4), and at 1.0 percent by mass or more for other HAPs. Another option is to rely on information from the supplier or manufacturer of the material, if it represents each organic HAP that is present at 0.1 percent by mass or more for OSHA-defined carcinogens, and at 1.0 percent by mass or more of other compounds. These reporting thresholds are consistent with reporting requirements under the OSHA Hazard Communications Standard (HazCom Standard).</p> <p>Commenter strongly endorses the use of these reporting thresholds when determining HAP content of coatings for the following three reasons: (1) the approach is consistent with other regulatory reporting requirements, including the OSHA HazCom standard; (2) the proposed approach has been used in previous MACT standards pertaining to coatings; and (3) an alternative approach that did not employ these reporting thresholds would impose enormous burdens with no appreciable benefit to health or the environment.</p>	63.3151(a)(1)-(4)	IV-D-07 (p. 2-6)	EPA acknowledges support for this option which is promulgated as proposed.
5	<p>Notes that in Section 12.6 of Method 24, EPA provides for the inherent variability when testing waterborne materials. The variability is related to the determination of volatile content, density and the water content of the material. Submits that similar types of adjustments should be available when running Method 311 for all different types of coatings to compensate for the variability of the test method. In addition, recommends that a confidence limit of <math>\pm 50</math> percent be applied to the total organic HAP content of the material determined by Method 311. Provides the basis for this level of variability.</p>	63.3151(a)(1) and 3171(e)(1)	IV-D-14 (p. 35-36)	In the event of any inconsistency between the Method 311 data obtained by the permitting agency and analytical data obtained by the facility, the Method 311 data obtained by the permitting agency shall govern, unless, after consultation, the facility demonstrates to the satisfaction of the enforcement authority that the facility's data are correct. Alternately, facilities may select coatings and use control equipment which, considering likely variability, still allows continuous demonstration of compliance.

Topic No.	Comment	FR reference (§/page no.)	Commenter ( page no.)	Response
6	<p>Submits that according to proposed 63.3090(c) and (d) and 63.3091(c) and (d), the emission limits for all sealers/adhesives and deadeners are similar for new and existing sources. Encourages EPA to combine the compliance calculations (Equation 1 and 2) in proposed 63.3151(d) for these materials to simplify compliance.</p> <p>Another change that would greatly facilitate compliance would be to allow facilities the option to perform calculations using pounds per gallon in addition to density and weight percent, since auto facilities already track materials and perform calculations using pounds per gallon.</p>	63.3151	IV-D-14 (p. 40)	<p>For both adhesives and sealer materials and deadener materials for new and existing sources, the limits are 0.01 kg of HAP per kg of material used during each month. Keeping these limits separate, as proposed will provide more incentive for facilities to limit use of certain adhesives with relatively higher organic HAP contents. No change to the rule is necessary to allow facilities to calculate weight fractions from pounds HAP/gallon and density data, and EPA expects that this will be done as necessary.</p>



Topic No.	Comment	FR reference (§/page no.)	Commenter ( page no.)	Response
<b>VII. Compliance Requirements for Combined Electrodeposition Primer, Primer Surfacer, Etc. (63.3160, 3161, 3163) &amp; Performance Testing and Monitoring (63.3164 thru 6168)</b>				
1	<p>Submits that the Clean Air Act, EPA regulations and EPA policy all authorize adoption of the CAM protocol as MACT monitoring for coating sources at Auto/LDT facilities. Claims that the inclusion of the well-established requirements (or their equivalent) of the “Protocol for Determining Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations,” EPA-450/3-88-018, as an option for demonstrating compliance with this rule in proposed 63.3161(d) and (g) is critical to streamlining implementation of the proposed rule. Notes that the EPA/Auto protocol was developed by EPA in 1988 to demonstrate compliance with VOC limits required by RACT, BACT, and LAER and has been incorporated into numerous new source and state operating permits for member facilities over the past fourteen years, giving the facilities, state agencies, EPA, and the public considerable experience and familiarity with the provisions.</p> <p>Notes that the proposed rule allows the use of the EPA/Auto Protocol as an option for compliance with certain aspects of the rule, but not for others, such as control equipment effectiveness and monitoring. Submits that the EPA/Auto Protocol is being enhanced to address control equipment such as thermal and catalytic oxidizers and concentrators and that the use of this enhancement could be added to this rule as an acceptable compliance option. Stresses that it is critical that the compliance provisions for the separate coating MACT standards that are applicable at auto/LDT facilities be harmonized, not only with each other, but also with the other coating standards that apply under State Implementation Plan requirements (including RACT and BACT/LAER). The enhanced version of this Protocol (which will be designated as CAM-approved) must also be considered to satisfy MACT requirements so that auto/LDT surface coating operations can be subject to a unified monitoring approach for all coating standards.</p>	63.3168	IV-D-14 (p.19-28)	<p>In order to improve consistency with other regulations, some additional monitoring options have been added to the final rule. The 1988 protocol does not address monitoring. The compliance demonstration and monitoring provisions in the final rule are complete, and they are consistent with other requirements and with the 1988 protocol. A revised protocol, as well as additional CAM information, is being developed.</p>

Topic No.	Comment	FR reference (\$/page no.)	Commenter ( page no.)	Response
1 (cont.)	<p>Has reviewed the documents in which EPA has discussed its approach to CAM monitoring and monitoring for Section 112 standards to determine if there is any legislative, regulatory or policy bar to treating the agreed-upon CAM Protocol as sufficient to demonstrate compliance with coating MACT standards. The core legal requirement for MACT standards is that they meet the requirements of Section 114(a)(3) and Title V of the Act. When EPA promulgated the CAM regulations, the Agency determined that they satisfied the requirements of both Section 114(a)(3) and Title V of the Act. EPA has further determined that the part 70 periodic monitoring requirements satisfy the enhanced monitoring under Section 114(a)(3) of the Clean Air Act for emissions units not subject to Part 64 CAM requirements. Therefore, a CAM protocol, like the one being developed by EPA and the Auto industry, is sufficient to meet the monitoring requirements for MACT standards.</p> <p>Regarding EPA’s decision to exclude standards proposed after 1990 from the CAM rule, this does not mean that a different legal standard applies. As discussed above, the core statutory requirements for MACT and other standards are the same regardless of whether they were developed before or after 1990. EPA’s decision to exclude these standards from CAM was simply a recognition that the burdensome case-by-case review process associated with CAM would serve not useful purpose for post-1990 standards, because those were presumed to already meet the statutory requirements.</p> <p>In the preamble to the proposed Auto/LDT Surface Coating MACT, EPA explains that parametric monitoring of capture systems, add-on control devices, and recordkeeping were selected to ensure continuous compliance with the emissions standards of the proposed rule. Submits that the EPA/Auto Protocol, as enhanced, constitutes continuous parametric monitoring, which is appropriate for this specific industry. The recent enhancements being made to the EPA/Auto Protocol rely on the types of parametric monitoring that will be capable of detecting deviations from each applicable emissions standard. There is little question that the data that is collected for the control devices, the frequency of the data collection and the reliability of the data all meet the requirements of both Sections 114(a)(3) and 504(b) of the Act.</p>		IV-D-14 (p.19-28) (cont.)	

Topic No.	Comment	FR reference (§/page no.)	Commenter ( page no.)	Response
2	<p>Commenter has a major concern with including the enhanced EPA/Auto Protocol in the proposed rule itself because a rulemaking would be necessary if any changes are needed in the future to the rule's compliance procedures. The EPA/Auto Protocol was meant to be a "living document" which would be improved as facilities and EPA gained experience with using its procedures. The EPA/Auto Protocol is formatted in small sections to facilitate revisions. Codifying the HAP portion of the EPA/Auto Protocol would mean implementing any change would require at least a year-long time frame. Recommend that EPA publish the compliance procedures for HAPs as a separate document from the text of the final Auto/LDT Surface Coating rule. This could be accomplished by including the compliance procedures as an Appendix to the final rule or including it as a separate section of the current EPA/Auto Protocol.</p>	<p>63.3161(d) &amp; (g) and 63.3165(e)</p>	<p>IV-D-14 (p. 28-29)</p>	<p>In order to improve consistency with other regulations, some additional monitoring options have been added to the final rule. Facilities may also seek approval for other alternatives, including improvements and enhancements to this protocol. The Administrator has the responsibility of determining whether, in fact, these changes result in an equivalent or improved means of demonstrating compliance.</p>
3	<p>Submits that it is critical that those auto/LDT facilities using an equivalent to the EPA/Auto Protocol have the option to use those procedures in lieu of the requirements of proposed 63.3161(e) through (o). The equivalent measures are based on the existing EPA/Auto Protocol but are tailored to facility-specific configurations. Facilities using EPA/Auto Protocol-equivalent measures have those requirements included in their state operating permits. Requests that EPA modify the proposed language in 63.3161(d) and (g) to include "<i>or equivalent approved measures</i>" (commenter emphasis) after the reference to the "Protocol for Determining Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations."</p>	<p>63.3161(e) thru (o)</p>	<p>IV-D-14 (p. 29)</p>	<p>The procedures in 63.3161(e) through (o) are complete and sufficiently flexible. No specific examples of "equivalent" procedures were provided. Approval for alternative compliance demonstration procedures may be requested under §63.7(f) of the general provisions.</p>

Topic No.	Comment	FR reference (§/page no.)	Commenter ( page no.)	Response
4	<p>States that EPA should not require case-by-case MACT through operating parameter requirements. The only purpose of compliance testing should be to determine that the control devices are working properly. Points out that, as proposed, a variation in an operating parameter could be the basis for an enforcement action even if the facility meets the emission limit. Claims establishing operating limits with enforcement consequences serves to make the proposed standard more stringent (and different) for each source. Submits that EPA must make it clear in the final rule that compliance with the proposed pounds of HAP per gallon of applied solids standard is the only standard facilities must meet to demonstrate compliance.</p>	63.3167	IV-D-14 (p. 29)	<p>The initial performance test demonstrates that the control device is working properly and that the emission limit is achieved. Rather than require CEM, monitoring of operating parameters is required to ensure that the control device continues to operate as efficiently as demonstrated during the performance test.</p> <p>Regarding the commenter's assertion that establishing operating limits with enforcement consequences serves to make the proposed standard more stringent (and different) for each source, the emission limits are maximum limits, not to be exceeded. The owner or operator of an affected source can choose the representative operating conditions under which to conduct the performance test to demonstrate compliance and to establish the operating limits. The performance test may be conducted under conditions designed to maximize control device performance (e.g., a temperature of 1500 °F in the oxidizer combustion zone) to provide a margin below the emission limit, thus setting the operating limit at 1500 °F. This is at the discretion of the facility.</p>

Topic No.	Comment	FR reference (§/page no.)	Commenter ( page no.)	Response
5	<p>Commenter submitted a comparison of the proposed monitoring procedures and the EPA/Auto Protocol (both existing and enhanced provisions) demonstrating that it does not make sense for EPA to impose a new set of monitoring requirements on facilities in the auto industry that may not be suited to the operations at these facilities, when there are well-established guidelines and permit conditions in place that either already require similar monitoring or the generation of the necessary data. Claims that compliance with two different monitoring regimes at the same facility (for the same processes), one for VOC and one for HAP, would be extremely burdensome, not to mention costly and redundant.</p> <p>Similarly, for facilities subject to multiple coating standards, urges EPA to apply the same monitoring requirements for each of these processes, if the Predominant Activity approach recommended by the commenter is not adopted. Notes that in some cases, facilities use common control equipment for both auto/LDT coating and other coating operations. Having the same equipment or processes subject to numerous different and conflicting monitoring and compliance requirements in different MACT standards makes little sense and is poor policy.</p>	63.3167 & 3168	IV-D-14 (p. 30)	<p>Facilities subject to more than one MACT standard may apply for an alternate monitoring procedure under the General Provisions allowing them to demonstrate compliance with the more stringent set of requirements. This would be neither more burdensome, nor redundant. Also, additional monitoring options have been added to the final rule which may, in some cases, simplify demonstration of compliance with multiple rules.</p> <p>Facilities that opt to roll in collocated plastic and metal parts coating operations related to automobile and light-duty truck parts will only be required to meet the monitoring requirements of this NESHAP. Facilities with collocated automobile and light-duty truck parts coating operations that do not choose to roll them into this standard, and facilities with collocated non-automotive parts coating operations, may apply for an alternate monitoring procedure under the General Provisions allowing them to demonstrate compliance with the more stringent set of requirements.</p>

Topic No.	Comment	FR reference (§/page no.)	Commenter ( page no.)	Response
6	<p>States that if the final rule includes requirements to meet certain operating conditions that exist during a performance test, the proposed rule should be amended to address the operating variability that naturally occurs and provide a range of acceptable operating conditions rather than making the exact test condition a maximum or minimum acceptable condition. Observes that when the capture and control devices are operating properly, the levels of the monitored parameters will vary due to production levels, or other operational conditions at the facility. Additionally, the devices used to measure these parameters during the performance test and during the operation of the system will have some variation in the accuracy of their measurement. To account for the operating variability and margin for measurement error, strongly recommends that EPA change the operating parameter requirements such that the affected source can be operated at the same basic conditions that were achieved during the test and that the temperatures, flows, fan speeds, and pressure drops be held within a percent of the level achieved during the performance test. Believes the Agency should gather information required on the performance of controls and monitoring devices addressed in the rule to set the allowed percent variability reflecting the measurement accuracy and inherent variability of a well-operated surface coating and control system.</p>	63.3167	IV-D-14 (p. 31)	<p>Refer to response to comment VII.4 above. The owner or operator may choose the operating conditions under which to conduct the performance test so as to provide a margin below the emission limit so that operating variability and measurement error do not result in violations of the emission limit. Operating limits are established based on averages measured during a lengthy performance test. The rule permits operating parameters to be averaged over a three hour period which removes much of the variability of the instantaneous measurements.</p>

Topic No.	Comment	FR reference (§/page no.)	Commenter ( page no.)	Response
7	<p>States that in 63.3167(e), EPA proposes the temperature of the desorption gas as an operating limit for concentrators. Agrees that this is an acceptable parameter to monitor. However, the operating limit should not be a minimum temperature based on testing since the desorption temperature of units varies over a limited range. Instead, suggests the requirement should allow for a plus or minus 20 degrees around the level achieved during the performance test. States that if the conditions of the test are applied as a minimum, either the unit will periodically be out of compliance or the unit will have to run at a higher than normal temperature, wasting energy and placing increased thermal stress in the concentrator and the adsorbent surface.</p> <p>Notes that EPA also proposes in 63.3167(e) monitoring the pressure drop across the concentrator and keeping the pressure drop at or above the level during the performance test. Submits that if the purpose of the monitoring is to confirm that there is flow from the controlled zones to the concentrators, the proposed rule should be amended to provide a menu of acceptable monitoring options. Suggests at least the following four options: 1) If there is a variable speed fan upstream of the concentrator, the facility should be permitted to monitor the fan speed within a range, consistent with the normal operating conditions and the performance test. 2) If there is a fixed speed fan upstream of the concentrator, the facility should be able to monitor whether the fan is operating or install an interlock system that ensures that the fan must be working for production to occur. 3) Facilities should be allowed to measure flow into or out of the concentrator, and comply with flow over a range that is consistent with the normal operating conditions and the performance test. 4) For monitoring pressure drop across the concentrator, a range should be provided for acceptable pressure drop readings consistent with the normal operating conditions and the performance test. States that providing options would give facilities the flexibility to select the most cost-effective monitoring approach.</p>	63.3167(e)	IV-D-14 (p. 31-32)	<p>The requirements for desorption gas temperature monitoring have been changed in the final rule. The minimum operating parameter is set at 8° C (15° F) below the average desorption gas inlet temperature maintained during the performance test for the concentrator. The final rule does not require monitoring of the pressure drop across the concentrator.</p>

Topic No.	Comment	FR reference (\$/page no.)	Commenter ( page no.)	Response
8	<p>Regarding monitoring for capture systems, states that EPA should allow the use of any of the monitoring approaches presented above for concentrators, in combination with monitoring of bypasses. Believes a separate commitment to capture monitoring is not needed if the operator confirms that there is flow to the concentrator and the bypasses are in the closed position. Suggests that for ovens, monitoring of bypasses should be sufficient.</p>	63.3167(f) & Table 1 to Subpart III	IV-D-14 (p. 32)	<p>Facilities that want to establish and monitor operating parameters other than those specified in Table 1 to the subpart may seek approval for alternate monitoring approaches under §63.8(f) of the general provisions. In general facilities must identify and establish an operating parameter during a performance test and monitor that parameter during subsequent operation to provide assurance that the capture efficiency measured during the performance test continues to be a valid indication of performance.</p>
9	<p>Submits that the proposal includes excessive and overly prescriptive inspection, calibration and preventive maintenance requirements for add-on controls and monitors. Claims EPA does not provide adequate justification for the frequency and scope of these inspection and maintenance requirements. It has been the auto industry's experience that these control systems are reliable and they are operated in a clean environment, which is necessary to obtain a high quality coating finish. Strongly recommends that EPA make its analysis of the need for these specific periodic maintenance and inspection frequencies available to the public for comment on this rationale. If such an analysis or data on industry practices in this area are not available, EPA should work with the industry to obtain that information and perform a cost benefit analysis on less frequent practices. Also recommends that the final rule give the facility the option to reduce the frequency of any required periodic maintenance and inspection once the facility has sufficient experience with the device to find that the frequency can be reduced without loss in reliability.</p>	63.3168	IV-D-14 (p.32-33)	<p>The commenter later clarified (Docket item: OAR-2002-0093-0017) that some of the instrument calibration and inspection frequencies specified in the proposed rule were inappropriate and that in some cases, repeated disassembly of sensors for inspection might accelerate failure or leakage of these sensors. The EPA believes that the inspection, maintenance and calibration requirements are the minimum needed to ensure that the controls are operated and maintained in a manner consistent with good air pollution control practices. A source owner or operator has the option under §63.8(f) of the General Provisions to seek approval for alternative monitoring, including an alternative inspection and maintenance program for the monitoring systems.</p>



Topic No.	Comment	FR reference (§/page no.)	Commenter ( page no.)	Response
10	<p>For the performance tests required in proposed in 63.3160(a) and (b), states that EPA should allow prior performance tests, e.g., transfer efficiency, removal efficiency, capture efficiency, destruction efficiency, oven solvent loading, to satisfy the performance tests required by the standard. Believes that since EPA has agreed that HAPs emitted from these operations behave in the same way as VOCs, there is no reason for redundant testing. Recommends that the scope and frequency of testing for transfer efficiency, oven solvent loading, and spraybooth capture efficiency be determined by the EPA/Auto Protocol.</p> <p>States that according to the EPA/Auto Protocol retesting of transfer efficiency is required if there are significant product, processing, material or application equipment changes. Where parallel spraybooths are used, testing is required for only one booth. Oven solvent loading is determined with an initial compliance test followed by annual review of system operating conditions. Notes that the most recent test result remains valid as long as no significant changes have occurred in the coating technology or processing and that annual variations in color palette or routine solvent blend adjustments are not significant changes. Believes a similar trigger should apply for spraybooth capture efficiency testing. Suggests that the affected source would maintain records documenting the annual reevaluation and the basis for the decision on whether retesting was required.</p>	63.3160(a) and (b)	IV-D-14 (p. 36-37)	<p>We agree that the most recent test data can be used to demonstrate compliance and to establish the operating limits required by this rule, provided that:</p> <p>1) the test was conducted using the same methods and conditions specified in this subpart, 2) no equipment changes have been made since the previous test, or you can demonstrate the results are reliable despite the changes, and 3) the required operating parameters were determined or sufficient data were collected to establish them.</p> <p>These provisions have been added to §63.3160(c) of the final rule.</p>
11	<p>Regarding the transfer efficiency for each coating in proposed 63.3161(g), supports the assumption of 100 percent transfer efficiency for electrodeposition primer coatings, glass bonding primers, and glass bonding adhesives; 40 percent transfer efficiency for touch-up and repair application using air atomized spray; or 55 percent transfer efficiency for final repair electrostatic spray and high volume, low pressure (HVLP) spray. However, submits that EPA should clarify or make more explicit that 63.3161(g) allows facilities to use representative coatings when determining the transfer efficiency for “each” coating. As EPA notes, the EPA/Auto Protocol includes provisions for testing representative coatings instead of every coating.</p>	63.3161(g)	IV-D-14 (p. 37-38)	<p>These provisions are included in §63.3161(g) of the proposed and final rules.</p>

Topic No.	Comment	FR reference (§/page no.)	Commenter ( page no.)	Response
12	<p>Notes that proposed 63.3161(j), covering the calculation of HAP emissions reduction for controlled coating operations not using a liquid-liquid material balance, assumes zero efficiency for the emission capture system and add-on control device for periods of operating parameter or bypass line deviations, including startup, shutdown, or malfunction. Claims that this approach is unrealistic and unduly penalizes facilities that may have a minor parameter reporting problem, e.g., an automatic temperature readout is malfunctioning. Requests that 63.3161 be revised so that there is a generic way to calculate a facility's destruction credit when a deviation has occurred. Suggests that facilities have the option to calculate an appropriate destruction credit for the hours of the excursion based on other available information.</p>	63.3161(j)	IV-D-14 (p. 38)	<p>If a source has manually collected parameter data indicating that an emission capture system or control device was operating normally during a parameter monitoring system malfunction, these data could be used to support and document that the source was achieving the same overall control efficiency and the source would not have to assume zero-percent efficiency.</p> <p>If a source has data indicating the actual performance of an add-on emission capture system and control device (e.g., percent capture measured at reduced flow rates or percent destruction efficiency measured at reduced thermal oxidizer temperatures) during a deviation from operating limits or during a malfunction of the monitoring system, then the source may use the actual performance in determining compliance, provided the use of these data are approved by the Administrator (i.e., the EPA or delegated State agency). The final rule has been revised to clarify that such data may be used rather than assuming that the efficiency is zero.</p>

Topic No.	Comment	FR reference (§/page no.)	Commenter ( page no.)	Response
13	<p>Supports proposed 63.3163(h), which specifies that for those sources using add-on controls, compliance deviations occurring during startup, shutdown, and malfunction of the emission capture system, add-on control device, or coating operation that may affect the emission capture or control device efficiency are not violations if the source operates according to the startup, shutdown, and malfunction (SSM) plan. Observes however that the burden of proof is on the source to demonstrate to the Administrator's satisfaction that the source was operating according to the SSM plan. Claims that the proposed provisions on SSM reporting in 63.3120(c) requires sources to more than adequately document activities during periods of SSM. Requests that EPA revise 63.3163(h) so that compliance is assumed unless the Administrator can demonstrate the source has not complied with its SSM plan.</p>	63.3163(h)	IV-D-14 (p. 38)	<p>The burden of proof is on the facility. The Administrator cannot know what actions were taken during SSM. If actions were consistent with the SSMP, the report must include information specified in §63.10(d). These are the minimum reporting requirements needed to ensure compliance.</p>

Topic No.	Comment	FR reference (§/page no.)	Commenter ( page no.)	Response
14	<p>Notes that proposed 63.3165(e) allows auto/LDT facilities to use the guidelines in the EPA/Auto Protocol to determine the capture efficiency of flash-off or bake oven emissions. Submits that the heading of this subsection should be clarified so that it specifies that capture efficiency of spraybooths (both full and partial) is included since the ASTM methods referenced in 63.3165 also provide for the use of the panel test.</p> <p>Requests that EPA also amend the proposed rule to approve the alternative use of a variation of Method 204 for this determination. States that auto/LDT assembly plants currently use an alternative testing approach involving a minor variation to Method 204 to determine capture efficiency of spraybooth controls that has been approved for compliance testing. In the alternative approach, the VOCs associated with the coating and cleaning solvents used in the controlled zone of the spraybooth during the test are compared to the measured amount of VOCs at the inlet of the control device. States that the total used is compared to the total entering the control device to determine the capture efficiency.</p> <p>Points out that the proposed rule does provide for an alternative capture efficiency protocol in 63.3165(f), but the rule requires the alternative to satisfy the criteria of either the data quality objective (DQO) or lower confidence limit (LCL) approach in Appendix A to subpart KK of 40 CFR 63. Claims that these criteria are excessively stringent and hold an alternative protocol to a much higher standard than what EPA has proposed as the approved approach. Recommends that these criteria be deleted from the final rule and provide the alternative use of Method 204 described above. In addition, believes the rule should allow sources to develop and use other capture efficiency protocols, approved by the Administrator or a delegated state or local agency, that are appropriate for the shape and size of the part and coating technique used.</p>	63.3165(e)	IV-D-14 (p. 39)	<p>The heading of §63.3165(e) has been changed to "Panel testing to determine the capture efficiency of flash-off or bake oven emissions ". Neither of the ASTM methods, nor the 1988 EPA Auto Protocol address booth capture.</p> <p>An appendix has been added to the final rule describing an option for panel testing to determine spray booth capture efficiency. §63.3165(g) has been added to the final rule which refers to this appendix. Alternative capture testing methods are permitted under §63.3165(f). We do not agree that the DQO and LCL criteria are excessively stringent as both criteria have recently been successfully applied in spray booth capture tests.</p> <p>Facilities may seek approval for alternate capture efficiency test methods under the general provisions; if approved, an alternate method would not be required to meet the DQO or LCL criteria.</p>

Topic No.	Comment	FR reference (§/page no.)	Commenter ( page no.)	Response
14	<p>Submits that as the use of an alternative test protocol under a NESHAP requires approval of the EPA administrator, requests that EPA address the acceptability of using a “modified panel test” in place of the spray booth/coating operation capture efficiency requirements of proposed 63.3165. Notes that panel testing methods include ASTM Method D5087-91(1994), ASTM Method D6266-00a, or EPA-450/3-88-018(docket A-2001-22). Asserts that EPA should state whether such a substitute test is acceptable, as at least one manufacturer has proposed and performed a modified panel test for determining spray booth VOC capture efficiency and will probably want to test HAP capture efficiency in the same manner.</p> <p>Cites the great effort, unusually high expense, and questionable track record of results using the liquid/gas capture efficiency test and the 11 separate uncontrolled emission stacks making the gas/gas approach unwieldy as reasons the source developed a non-conventional capture efficiency (CE) protocol which was performed in concert with the oven control device VOC loading protocol (Section 21 of the Auto and Light-Duty Truck Protocol). States that in the “modified panel test,” test panels were coated, flashed, and baked - all while measuring weight changes in the panels at controlled intervals that coincided with the amount of time a car body was in the primer-surfacer booth. The panel test was conducted in triplicate in a controlled lab setting using a generic grey primer and an additional verification study was performed using smoke bombs to verify the booth emissions were indeed controlled by the ductwork.</p> <p>The commenter was reluctant to accept this non-conventional approach, but the source was willing to accept the resulting capture efficiency, which was quite low. The commenter states that capture efficiency testing is often the most controversial, expensive, and difficult emissions testing that enforcement authorities and the auto industry must deal with.</p>	63.3165	IV-G-01 (p. 7-8)	<p>An appendix has been added to the final rule describing an option for panel testing to determine spray booth capture efficiency. §63.3165(g) has been added to the final rule which refers to this appendix. Approvals of alternatives to test methods are based on site-specific requests. Specific alternatives described by the commenter may not be acceptable for all facilities, but may be acceptable for certain facilities depending on the air flow in the booth.</p>
15	<p>Notes that in proposed 63.3167 and 63.3168, EPA uses the general term “Carbon adsorbers” as the heading for the requirements in subsections (c) and (d), respectively. Points out that both of these subsections refer to requirements that are specific to regenerative carbon adsorbers. Recommends that EPA rename 63.3167(c) and 63.3168(d) “regenerative carbon adsorbers” to clarify that the requirements in these subsections apply to regenerative carbon adsorbers and also make similar change in Table 1, item 3, so it is explicit that regenerative carbon adsorbers are covered by the operating requirements.</p>	63.3167(c) and 63.3168(d)	IV-D-14 (p. 40)	<p>These sections have been renamed "regenerative carbon adsorbers" in the final rule and a corresponding change has been made in Table 1.</p>

Topic No.	Comment	FR reference (§/page no.)	Commenter (page no.)	Response
16	<p>Asserts that it is not apparent in the proposed NESHAP if sequential sampling satisfies the requirement for simultaneous sampling. States that where multiple ducts enter a control device, proposed 63.3165(d)(2)(ii) requires simultaneous measurement of the emissions in each duct. Notes that when measuring multiple sample locations, Section 8.2.2.7 of Method 204B requires the use of a single analyzer which receives samples sequentially from each duct. Submits that these two requirements seem to conflict with each other.</p>	63.3165(d)(2)(ii)	IV-G-01 (p. 8-9)	<p>Section 63.3165(d)(2)(ii) has been changed in the final rule to permit simultaneous or sequential sampling.</p>
17	<p>Commenter claims the proposed NESHAP is inflexible when demonstrating 100 percent capture efficiency. States that in order to assume 100 percent capture, a system must meet the conditions in proposed paragraphs (a)(1) and (2) of 63.3165. Paragraph (a)(1) states “[the capture system meets the criteria in Method 204 of appendix M to 40 CFR part 51 for a PTE and directs all the exhaust gases from the enclosure to the add-on control device.” Notes that since EPA did not list any circumstances under which a system not meeting all of the standards in Method 204 could assume 100 percent capture, it appears only those sources specifically meeting all the standards outlined in Method 204 will be allowed to assume 100 percent capture.</p>	63.3165(a)(1) & (2)	IV-G-01 (p. 9)	<p>The commenter is correct, only those sources specifically meeting all the Method 204 criteria will be allowed to assume 100 percent capture. Four test protocols are provided for measuring capture efficiency.</p>

Topic No.	Comment	FR reference (§/page no.)	Commenter (page no.)	Response
<b>VIII. Definitions (63.3176)</b>				
1	<p>Recommends adding the definition: “Predominant Activity” means the main surface coating activity of the facility. An activity is considered a source’s predominant activity when 65 percent or more of the quantity of coatings used or surface area coated at the facility is related to a specific source category. Ancillary activities at a facility would be included to the degree that these activities support the predominant activity.</p>	63.3176	IV-D-14 (p. 17)	<p>The final rule gives automobile assembly plants the option to include all coating operations related to automobiles and light-duty trucks under this rule. This includes all parts of automobiles and light-duty trucks whether or not they are installed on the vehicles produced at the facility. It does not include coating of metal or plastic parts not associated with automobiles and light-duty trucks.</p>
2	<p>Submits that the definition of “initial startup” does not accurately describe what constitutes the startup of a new source. Recommends the phrase “the first time equipment is brought online in a facility” in the proposed definition should be revised to “the first time a salable product is produced.” Otherwise the term would include periods that are not representative of normal operation.</p>	63.3176	IV-D-14 (p. 33)	<p>The definition of “initial startup” in the final rule has been changed to refer to the first time a salable product is coated.”</p>

Topic No.	Comment	FR reference (\$/page no.)	Commenter ( page no.)	Response
3	<p>Asserts that EPA’s use of the term “deviation” in the proposed rule is inconsistent with how some States use that term in their programs. Although EPA clarified in the preamble to the final Metal Coil Coating rule that the enforcement authority is to determine violations, some State programs treat deviations as <i>per se</i> violations. Submits that given how broadly the term deviation is defined, it would be absurd to have every deviation treated as a violation by certain State programs. Instead, suggests that as a substitute for deviation, EPA use the term “excursion,” as that term is defined in 40 CFR Part 64. Notes that excursions are not necessarily violations and States are familiar with this term and its connotations.</p> <p>States that if EPA insists on retaining the term “deviation,” several clarifying changes must be made to the definition. First, the Agency should include an explicit statement that the definition of deviation in this rule is intended to define what constitutes a “deviation from permit requirements” for the purposes of Title V, to clarify that reporting excursions under this definition fulfills the Title V obligation. Second, consistent with 40 CFR 71.6(a)(3)(iii)(C), the Agency should clarify in the definition of deviation that a deviation is not necessarily a violation. Third, the Agency should clarify that operations outside of indicator monitoring ranges are not considered deviations, provided the source meets requirements to investigate and initiate corrective action as imposed by the regulations. Finally, EPA should not require reporting of every period of startup, shutdown, and malfunction (SSM) as a deviation.</p>	63.3176	IV-D-14 (p.41-43)	<p>Clearly, every deviation is not a violation. The commenter is correct that the enforcement agency determines violations. There are important implications of the definition of deviation including restrictions on suitable periods for conducting performance tests, and accounting for allowable capture and control device efficiencies during specific time periods. Operation outside of established operating limits constitutes a deviation. We have included, in the definition of deviation, a statement that a deviation is not always a violation.</p>
3	<p>Is concerned that the definition in the proposed rule for “deviation” specifically includes periods of SSM even though they are already exempted from compliance under the rule. Claims this is redundant and provides no useful information regarding compliance. Notes that facilities will already be reporting “true” deviations under their monitoring reporting requirements and SSM activities through their SSMP reports. Requests that EPA exempt SSM periods from the definition of deviation.</p>	63.3176	IV-D-11 (p. 6-7)	<p>Deviations during periods of malfunction must be accounted for in applying overall HAP control efficiencies for specific time periods.</p>



Topic No.	Comment	FR reference (\$/page no.)	Commenter ( page no.)	Response
4	<p>Notes that according to 63.3081, a facility is subject to the requirements of the proposed rule if it is a major source, located at a major source, or is part of a major source and coats new auto or LDT bodies or collections of body parts for new vehicles. States that the term “body part” is not defined in 63.3176, which is confusing and could complicate any Predominant Activity approach which may be used by EPA to address overlapping MACT standards. Recommends the following definition of “body part” for inclusion in the final rule:</p> <p><u>Body part</u> means an automobile or light-duty truck component, composed of either plastic, metal, composite materials, or a combination, which is either coated separately or on the same line and then incorporated into the final vehicle product.</p> <p>According to the commenter, this definition will ensure that auto/LDT facilities will be able to use any Predominant Activity approach developed by EPA. In addition, it will clarify that a body part coated on a parallel line is not covered by another MACT standard merely because the part is coated separately.</p>	63.3176	IV-D-14 (p. 43)	<p>A definition of "body part" has been added to the final rule. The final rule gives automobile assembly plants the option to include all coating operations related to automobiles and light-duty trucks under this rule. This includes all parts (not limited to body parts) of automobiles and light-duty trucks whether or not they are installed on the vehicles produced at the facility. It does not include coating of metal or plastic parts not associated with automobiles and light-duty trucks.</p>
4	<p>Notes that the term “body part” is used extensively in the preamble and proposed rule without being defined. Suggests that the term be defined in the regulation to ensure current and future clarity regarding subpart IIII applicability, hopefully allowing sufficient flexibility within the rule to accommodate past, current, and future vehicle processing methodology. Recommends the following definition of “body part”: “Body part means automobile or light-duty truck frames and structural members as well as all exterior body panels, independent of substrate, including but not limited to hoods, fenders, deck lids, fascias, bumpers, quarter panels, cargo boxes, and doors coated in an automotive and light-duty truck paint shop or an automotive assemble plant. Body parts may be attached or separate for later attachment in assembly or for use as service parts. Body parts may also be coated on separate surface coating lines.</p>	63.3176	IV-D-4 (p. 7-8)	<p>See above response. Body parts, as well as fascias, bumpers and all other parts of automobiles and light-duty trucks may be included.</p>

Topic No.	Comment	FR reference (\$/page no.)	Commenter ( page no.)	Response
5	<p>Points out that the term “container” is used repeatedly throughout the proposed Auto/LDT Surface Coating MACT given that the rule covers “all storage containers and mixing vessels in which coatings, thinners, and cleaning materials are stored and mixed. It is not clear whether the term container would include tanks used to store certain solvents and coatings. Recommends that EPA include in the final rule the following definition:</p> <p><u>Container</u> means a receptacle, such as a can, vessel, tote, or tank, in which material is held, stored, mixed, or carried.</p>	63.3176	IV-D-14 (p. 43)	A definition of container has been added to the final rule.
6	<p>Recommends that the terms “low-HAP” and “no-HAP” be defined. For “low-HAP” recommends the term be defined as “any coating, material, substance, solvent that is less than 10 percent HAP by weight of material.” For the term “no-HAP,” the commenter suggests “a material that contains organic HAP levels below the 0.1 percent or more by mass for Occupational Safety and Health Administration (OSHA) defined carcinogens and at 1.0 percent or more by mass for other compounds.</p>	63.3176	IV-D-14 (p. 44)	These terms are used in descriptions of work practices which must be considered in developing a work practice plan. The plan includes practices that minimize emissions from cleaning and purging operations. HAP content of low HAP coatings will be considered in review of the work practice plan based on what level of HAP emission reduction is achievable.
7	<p>Suggests that the definition of “deadener” be modified as follows: “Deadener means a specialty coating applied to selected vehicle surfaces...”, thus removing the underbody modifier for vehicle surfaces. Without this change, commenter is uncertain where certain materials, such as melt sheets, would fall. Melt sheets are solid or sprayable materials that are typically applied internally along the bottom panels of vehicles. However, they may also be applied in other areas, such as side panels, for noise reduction as well as vibration reduction.</p>	63.3176	IV-D-09 (p. 3-4)	Materials applied for the purpose of noise reduction fit the definition of, and are subject the emission limit for, deadener.
8	<p>Suggests that a definition for “sealer” be added to the definition section of the proposed Auto MACT.</p>	63.3176	IV-D-09 (p. 4)	A definition of sealer has been added to the final rule.

Topic No.	Comment	FR reference (\$/page no.)	Commenter ( page no.)	Response
<b>IX. Miscellaneous</b>				
1	Several commenter member facilities have received case-by-case MACT standards pursuant to the requirements of Section 112(g). Notes that these facilities with effective Section 112(g) permits already comply with HAP limits lower than the proposed existing source MACT limit, and submits that EPA should include a provision in the final rule which clarifies that those facilities having received a Section 112(g) permit are deemed to comply with the existing source limit, or at the election of the source, have 8 years to comply with the existing source requirements.	63.40	IV-D-14 (p. 14)	See response to Comment I.8.
2	Recommends that EPA assign unique numbers to each of the equations in the proposed rule to facilitate identification of the calculations.	63.3150, 3160, 3165, 3166	IV-D-14 (p. 40)	Equations are not numbered sequentially throughout the final rule. However, they are numbered sequentially within each section of the final rule. Consequently, each equation in a section receives a unique number.
3	States that in several of the previous MACT standards developed by EPA, stakeholders asked for clarification on how EPA would address the situation where new HAPs are listed pursuant to Section 112(b). In those MACT standards, EPA tried to clarify in the background information documents to those rules that the MACT standards were limited to the list of HAPs which existed at that point in time. In the event that a newly-listed HAP is used in auto/LDT coating operations, the auto/LDT industry will need considerable lead time to test the durability and performance of any new coatings using a substitute for that HAP or to install new control equipment. Requests that EPA recognize the long lead times needed for coating approval in the preamble to the final rule and provide the necessary mechanisms to address this situation.	63.308, 63.3090, & 63.3091	IV-D-14 (p. 44)	The emission limits in the final rule are based on HAP as listed at the time of proposal. EPA will periodically review emission limits (both in the context of residual risk and in terms of MACT) based on currently listed HAP. Lengthy lead times are built into the proposal and promulgation process for listing additional HAP.

<b>Topic No.</b>	<b>Comment</b>	<b>FR reference (\$/page no.)</b>	<b>Commenter ( page no.)</b>	<b>Response</b>
4	<p>Notes that the proposed rule amends the Resource Conservation and Recovery Act (RCRA) Air Emissions Standards for Equipment Leaks at 40 CFR parts 264 and 265, subpart BB. Supports these amendments and agrees that the requirements in the proposed MACT standard minimize the potential emissions from solvent purging of coating applicators as well as from the collection and conveyance of paint/solvents to reclamation or recovery systems.</p> <p>To be consistent with the Predominant Activity approach suggested by the commenter, the commenter also supports the inclusion of separate, plastic and metal parts surface coating operations at facilities subject to this rule to be covered by this same exemption since these operations have analogous purging operations and conveyance as auto/LDT coating.</p>	264.1050(h) & 265.1050(g)	IV-D-14 (p. 44-45)	<p>The amendments to RCRA provisions promulgated with this rule have been changed so that these provisions also apply to equipment associated with collocated coating operations for body parts that the facilities choose to include under this standard.</p>

Topic No.	Comment	FR reference (\$/page no.)	Commenter ( page no.)	Response
4	<p>Notes that EPA states that currently air emissions from the collection, transmission, and storage of purged paint and solvent at these sources are regulated under RCRA. However, in its proposed rule, EPA exempts these wastes from RCRA and transfers the regulation under the Clean Air Act (CAA). EPA further explains that “this exemption is considered to be less stringent than existing RCRA regulations.” EPA also proposes to establish work practice standards to control these emissions rather than numeric emission standards.</p> <p>Submits that the CAA mandates floors that reflect “the average emission limitation achieved by the best performing 12 percent of the existing sources (for which the Administrator has emissions information).” 42 U.S.C. § 7412(d)(3). Also notes that EPA may only propose a work practice standard MACT if the agency demonstrates that it is “not feasible to prescribe or enforce an emission standard.” 42 U.S.C. § 7412(h)(2). Asserts that EPA does not demonstrate it is infeasible to prescribe or enforce an emissions standard for the collection, transmission, and storage of purged paint and solvent and thus the proposed rule is unlawful. Also, states that EPA fails to explain whether existing sources subject to RCRA are reducing their HAP emissions and, if so, whether the existing RCRA requirements could serve as the basis for establishing a MACT floor. Finally, claims the agency’s proposal is arbitrary and capricious because it fails to explain the consequences of transferring regulatory authority from RCRA to CAA, how the shift in regulatory authority results in less stringency, or identify the agency’s legal authority to exempt HAP emissions from RCRA.</p> <p>Urges EPA to establish a MACT floor that considers the emission reductions at those sources currently subject to RCRA and properly determine whether an emission standard, instead of work practice standard, is appropriate for these sources.</p>	264.1050(h) & 265.1050(g)	IV-D-05 (p. 4)	<p>The NESHAP addresses both the capture of purged materials and the transport and storage of purged materials after they have been captured. This is more comprehensive than the existing RCRA rule which only addresses the transport and storage of purged materials after they have been captured. The requirements of the final NESHAP are, therefore, at least as effective as the requirements of the existing RCRA rule. The language in the preamble to the proposed rule cited by the commenter was not an assessment of the effect of the proposed NESHAP on activities covered by the existing RCRA rule, nor was it a comparison of the proposed NESHAP and the existing RCRA rule.</p> <p>The language cited by the commenter was characterizing the proposed revision to the RCRA rule as less stringent than the existing RCRA rule. This comparison was made in the context of discussing whether States would be required to adopt the revised RCRA rule. We consider an exemption from RCRA rules to be less stringent than the retention of those rules. Since it would be less stringent, States would not be required to adopt the revised rule in their RCRA programs (RCRA section 3009). If we had considered the revision to be more stringent, States then would</p>

Topic No.	Comment	FR reference (§/page no.)	Commenter ( page no.)	Response
4 (cont)		264.1050(h) & 265.1050(g)	IV-D-05 (p. 4)	be required to adopt and seek authorization for those provisions (section 3006 of RCRA).
4	Supports EPA's proposed amendment to the RCRA Air Emission Standards for Equipment Leaks (40 CFR parts 264 and 265, subpart BB), noting that without the exemption facilities would be unnecessarily subject to redundant regulations. Agrees that the work practice standards that must be met under the proposed NESHAP address emissions that would generally be subject to RCRA part BB. Similarly, emissions from coating line purging systems from separate non-body metal parts and plastic parts coating operations would be addressed under the proposed NESHAP and should therefore be exempted from RCRA requirements.	264.1050(h) & 265.1050(g)	IV-D-11 (p. 5)	EPA acknowledges commenter's support for amendments to RCRA rule. The amendments to RCRA provisions promulgated with this rule will apply to collocated coating operations which facilities opt to roll into this NESHAP.
5	Asserts that it is imperative for EPA to make the highest priority of meeting the new deadlines for promulgating the final MACT standards. Defaulting to the Section 112(j) hammer provision case-by-case determinations would result in extraordinary and unwarranted burdens on individual facilities and many States.		IV-D-14 (p. 60)	The new deadline for promulgation will be met.
6	States that throughout the proposed compliance section, EPA discusses how sources may demonstrate continuous compliance without mentioning the agency's credible evidence rule. As currently drafted, the commenter does not believe the proposed rule affects the application of the credible evidence rule. However, to avoid such concern in the future, the commenter suggests that the final preamble clarify EPA is not affecting its credible evidence rule in establishing this MACT standard.		IV-D-05 (p. 5)	We agree with the commenter that any credible evidence can be used to prove compliance or non-compliance.
7	Supports comments submitted by the Auto Alliance.		IV-D-09 (p. 2)	Noted.
8	Supports comments submitted by the American Chemistry Council Diisocyanates Panel, the American Chemistry Council Aliphatic Diisocyanate Panel, and the National Paint and Coatings Association (NPCA).		IV-D-10 (p. 1)	Noted.
9	Supports the Auto Alliance's comments and incorporates the comments by reference.		IV-D-11 (p. 2)	Noted.

Topic No.	Comment	FR reference (\$/page no.)	Commenter ( page no.)	Response
10	<p>Believes that EPA underestimated the costs of this rulemaking. Submits that the economic impacts of this rulemaking not only affect automobile and light-duty truck manufacturers, but the surface coating manufacturing industry as well and that these costs will be severe. Asserts that the cost of reformulation, including performance measures and testing, will be significant, as will the additional difficulties that may be experienced by coatings applicators in applying the new coatings. Concludes that these costs in addition to the cost of the proposed rule's complex and burdensome recordkeeping and reporting requirements will impose great economic impact to both industries.</p>	78625	IV-D-11 (p. 7)	<p>EPA is required to estimate the impact of the rule upon those entities that are required to comply with the rule. The commenter did not provide a methodology for assigning additional reformulation costs among coating suppliers, coating applicators and purchasers of coated project. EPA also notes that in development of the rule, significant effort was expended to make required recordkeeping systems compatible with the systems presently in use in most facilities (for demonstration of compliance with other regulations) and to minimize incremental recordkeeping associated with this NESHAP.</p>
11	<p>Commenter is a nonprofit trade association dedicated to the technical, educational, and market advancement of energy-cured coating processes. Notes that UV/EB technology (flow or dip coatings) is widely used in the manufacture of certain automobile and light-duty truck parts including but not limited to gaskets, mirror adhesives, windshield black-out and repair products, body side molding clears, logos on glass, abrasion resistant clearcoats for metalized parts, anti-scratch forward light coatings, anti-scratch tail light coatings, metalized primers for "chromed" parts, and topcoats for RV and van "wood" components. Emerging coating applications include interior mar/chemical resistant low gloss clear coatings, plastic wheel covers (color and clear), aluminum wheel clears, and in Europe, automotive topcoat.</p> <p>Benefits of UV/EB technology cited by commenter include pollution prevention, performance, reductions in disposal and rework costs, and energy savings.</p>		IV-D-15 (p.1-3)	<p>We acknowledge that there are several pollution prevention alternatives that may be viable for some sources in this industry to use for compliance. We encourage facilities to explore UV/EB cured coatings and other P2 alternatives where available and appropriate to comply with the emission limits.</p>
<p><b>X. Achieve the Goals of the Rule in a Less Costly Manner? (Preamble Section IV-E, pp. 78625-78631) Note: Response to all comments in this section are at the end of the section.</b></p>				

Topic No.	Comment	FR reference (§/page no.)	Commenter ( page no.)	Response
1	Supports EPA’s incorporation of risk-based concepts into the MACT Program. Believes that providing risk-based applicability criteria for sources whose HAP emissions do not pose a significant risk is appropriate. Adds that risk-based alternatives will function as indirect emission limits that must be maintained by the facilities to assure that the criteria are met, and, thus, such alternatives for low-risk facilities are supportable by EPA’s authority under section 112(d)(4) and 112(c)(9) of the CAA and EPA’s inherent <i>de minimis</i> authority.		IV-D-14 (p. 45-46)	See page 3-86.
2	States that low-emitting facilities within the Auto/LDT Surface Coating source category are particularly suited to subcategorization and delisting on the basis of risk. Many of the sources are well-controlled and can easily be distinguished from other facilities.		IV-D-14 (p. 53)	See page 3-86.
3	Believes that the proposed §112(d)(4) applicability cutoffs are flatly unlawful.		IV-D-06 (p. 1-2)	See page 3-86.
3	Notes that the proposal to include risk-based exemptions is critically flawed and opposes adoption of the risk-based exemptions into MACT.		IV-D-16 (p. 1)	See page 3-86.
3	States that the inclusion of case-by-case risk-based exemptions into the first phase of the MACT program will negate the legislative mandate and jeopardize the effectiveness of the national air toxics program to adequately protect public health and the environment and to establish a level playing field. Therefore, strongly disagrees with inclusion of risk-based exemptions in the MACT standard process. Is very concerned that EPA referenced a fundamentally flawed interpretation of §112(d)(4) written by an industry (AF&PA) subject to regulation. Of particular concern was AF&PA’s unprecedented proposal to include “ <i>de minimis</i> exemptions” and “cost” in the MACT standard process.		IV-D-12 (p. 2)	See page 3-86.
3	States the belief that the use of risk-based concepts to evade MACT applicability is contrary to the intent of the CAA and is based on a flawed interpretation of Section 112(d)(4) of the CAA. Adds that the CAA requires a technology-based floor level of control and does not provide exclusions for risk or secondary impacts from applying the MACT floor.		IV-D-01 (p. 1 & 6)	See page 3-86.



Topic No.	Comment	FR reference (\$/page no.)	Commenter (page no.)	Response
3	<p>Is not in favor of the inclusion of risk-based exemptions in the Surface Coating of Automobiles and Light-Duty Trucks (SCALDT) NESHAP for the following reasons: the CAA intended that technology-based standards be completed first, with residual risks addressed afterwards under section 112(k); and, the risk assessment approaches all are arguable and contentious. Also points out many issues associated with the risk-based approaches, such as: how to account (if at all) for aggregate ambient air impacts; how to account (if at all) for cumulative interactive ambient air impacts; what universe of substances and sources to account for; what parts of the CAAA to utilize for the authority to include risk-based exemptions; whether or not to include carcinogenic effects in the approach in addition to noncarcinogenic effects; how to account for potential short-term “acute” impacts and effects in addition to chronic effects (not addressed in the preamble); what benchmarks of acceptably small cancer and noncancer risks should be used as exemption criteria; how can emerging toxicological information be incorporated into risk assessments; under what criteria should non-inhalation impacts and exposures be addressed; and, how to account for environmental impacts (not addressed in the preamble). Points out that while these issues are being addressed by EPA within the framework of the residual risk program, any attempt to include risk-based exemptions in MACT would be contentious and would delay the NESHAP development process. Finally, adds that EPA decided not to include risk in the final brick NESHAP, and many of the same issues and concerns raised for that NESHAP also provide a rationale for not including risk-based exemptions in the SCALDT NESHAP.</p>		IV-G-01 (p. 9-10)	See page 3-86.
4	<p>Believe that the preambles of individual rule proposals are an inappropriate forum for introducing significant changes in the way that MACT standards are established. State that precedent-setting change of the magnitude that EPA has raised should be discussed openly and carefully with all affected parties instead of being buried in the preambles of individual standards.</p>		IV-D-02 (p. 1) IV-D-16 (p. 1)	See page 3-86.
4	<p>States the concern that other parties may miss commenting on the risk-based exemptions because they are contained within six separate proposals. Adds that to give the issue full consideration, the risk provisions should not be adopted within any of the final rules but should be addressed in one place, such as in revisions to the general provisions of 40 CFR 63 subpart A.</p>		IV-D-01 (p. 1)	See page 3-86.

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4	Believes that allowing risk-based exemptions requires changes to existing law and that such a debate should take place within the democratic legislative process and not in the MACT standard process.		IV-D-12 (p. 2)	See page 3-86.
5	State that the proposal to include risk-based exemptions is contrary to the 1990 CAA Amendments (CAAA) which calls for MACT standards based on technology rather than risk as a first step. Congress incorporated the residual risk program under §112(f) to follow the MACT standards (not to replace them). Commenters IV-D-02 and IV-D-16 note that the need for the technology-based approach has been recently reinforced by the results of the National Air Toxics Assessment (NATA), which indicates that exposure to air toxics is very high throughout the country in urban and remote areas. Commenter IV-D-16 adds that risk-based approaches will be used separately to augment and improve technology-based standards that do not adequately provide protection to the public. Similarly, Commenter IV-D-02 adds that section 112(f) of the CAA was developed to address residual risks remaining after implementation of technology-based MACT standards and was intended to provide additional protection, not replace technology controls. Commenter IV-D-12 asserts that they have been unable to substantiate the basis for EPA's support of the regulatory relief sought by industry through risk-based exemptions. In fact, the use of risk assessment at this stage of the MACT program is directly opposed to Title III of the CAA. Commenter IV-D-12 attached an EPA fact sheet and testimony by two individuals that supports this position.		IV-D-02 (p. 1 & 2) IV-D-12 (p. 2) IV-D-16 (p. 1 & 2)	See page 3-86.
5	States that it is unclear what EPA is trying to achieve with the risk-based exemptions. Adds that using the risk-based approaches discussed in the preamble to reduce the number of affected sources in the surface coating of automobiles and light-duty trucks (SCALDT) source category seems unlikely to be capable of achieving the agency's goals stated in the preamble. Would like to see the use of technology-based approaches first and then the use of risk-based approaches rather than the reverse, because the use of a technology-based approach generally deals with known costs and known results, whereas, the risk-based approach must depend on the quality of the health data.		IV-D-10 (p. 2 & 3)	See page 3-86.

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6	<p>State that the proposal to allow risk-based exemptions would revert back to the time-consuming NESHAP development process that existed prior to the CAAA. Commenter IV-D-16 points out that under this process, which began with a risk assessment step, only eight NESHAP were promulgated during a 20-year period. If the proposed approaches are inserted into upcoming standards, the commenters fear the MACT program (which is already far behind schedule) would be further delayed.</p>		<p>IV-D-02 (p. 1) IV-D-16 (p. 2)</p>	<p>See page 3-86.</p>
7	<p>State that the risk-based exemption proposal removes the “level-playing field” that would result from the proper implementation of technology-based MACT standards. Commenter IV-D-16 adds that establishing a baseline level of control is essential to prevent industry from moving to areas of the country that have the least stringent air toxics programs, which was one of the primary goals of developing a uniform national air toxics program under section 112 of the 1990 CAA amendments. Commenter IV-D-16 also states that the NATA data show that virtually no area of the country has escaped measurable concentrations of toxic air pollution. The NATA information indicates that exposure to air toxics is high in both densely populated and remote rural areas.</p>		<p>IV-D-12 (p. 2) IV-D-16 (p. 2)</p>	<p>See page 3-86.</p>

Topic No.	Comment	FR reference (\$/page no.)	Commenter ( page no.)	Response
8	<p>Believes that Section 112(d)(4) provides EPA with authority to exclude sources that emit threshold pollutants from regulation. Indicates that Section 112(d)(4) allows for discretion in developing MACT standards for HAP with health thresholds. This is consistent with the plain language of the statute, which states that:</p> <p>“With respect to pollutants for which a health threshold has been established, the Administrator may consider such threshold level, with an ample margin of safety, when establishing emission standards under this subsection.”</p> <p>Asserts that the use of section 112(d)(4) authority also is supported by CAA’s legislative history, which emphasizes that Congress included §112(d)(4) in the CAA to prevent unnecessary regulation of source categories.</p> <p>Also references Sen Rep. 101-228, at 176 (1989), reprinted in 1990 U.S.C.C.A.N. 3385, 3560:</p> <p>“[W]here some sources do emit more than the threshold amount, the Administrator is authorized by section 112(d)(4) to use the no observable effects level or NOEL (again with an ample margin of safety) as the emission limitation in lieu of more stringent “best technology” requirements. Following this scenario, only those sources in the category which present a risk to public health (those emitting in amounts greater than the safety threshold) would be required to install controls, even though the general policy is “maximum achievable technology everywhere.” Again, there is a means to avoid regulatory costs which would be without public health benefit.”</p> <p>Adds that EPA is permitted to establish alternative standards as long as it ensures that ambient concentrations are less than the health thresholds plus a margin of safety and the emissions do not cause adverse environmental effects.</p> <p>Points out that EPA has exercised such authority and cited the Pulp and Paper MACT. Notes that in addition, in the Pulp and Paper MACT, EPA identified circumstances in which they would decline to exercise 112(d)(4) authority—where significant or widespread environmental harm would occur as a result of emissions from the category and the estimated health thresholds are subject to substantial scientific uncertainty. States that EPA determined that these considerations were not relevant to emissions from the pulp and paper source category, and the commenter believes that the same is true for the auto/LDT source category and that the same</p>		IV-D-14 (p. 47 & 48)	See page 3-86.

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8 (cont.)	treatment is warranted for many facilities within the source category. Significant or widespread environmental harm would not occur as a result of emissions from the category due to the level of control already in place at these facilities. The commenter notes that facilities that cannot meet the risk criteria would remain subject to the MACT requirements.		IV-D-14 (p. 47 & 48) (cont.)	See page 3-86.
9	States that risk-based alternatives are not exemptions but will function as indirect emission limits that must be maintained by the facilities to assure that the criteria are met, and, thus, such alternatives for low-risk facilities are supportable by EPA's authority under section 112(d)(4) and 112(c)(9) of the CAA and EPA's inherent <i>de minimis</i> authority.		IV-D-14 (p. 46)	See page 3-86.
10	Supports the use of §112(d)(4) applicability cutoffs for both threshold and non-threshold pollutants. States that the language in 112(d)(4) does not limit EPA's ability to set emission standards to only threshold pollutants but states that "[w]ith respect to pollutants for which a health threshold has been established, the Administrator may consider such threshold..." Rather, EPA may issue standards for any pollutant for which a threshold may be established. Believes that for non-threshold carcinogens, EPA could use 112(d)(4) authority and could establish a "threshold" risk of one in one million. Such a <i>de facto</i> threshold is supported by the use of one in one million as the presumptive acceptable risk for both the delisting process in section 112(c)(9) and in the residual risk program under section 112(f). Adds that the D.C. Circuit court noted in <i>NRDC v. EPA</i> (the <i>vinyl chloride</i> decision) that safe does not always mean risk free and that a risk of cancer between one in ten thousand and one in one million can be an acceptable risk. Notes that Congress specifically incorporated the <i>vinyl chloride</i> decision into the 1990 CAAA.		IV-D-14 (p. 47-51)	See page 3-86.
11	Disagree that §112(d)(4) can be interpreted to allow exemptions for individual sources. The commenters believe that §112(d)(4) applies to categories of sources.		IV-D-1 (p. 2) IV-D-12 (p. 2)	See page 3-86.

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11	<p>States that the CAA does not allow EPA to “exempt individual facilities that can demonstrate that their emissions will not result in air concentrations above the threshold levels with an ample margin of safety even if the category is otherwise subject to MACT.” The CAA provides only that “with respect to <u>pollutants</u> for which a health threshold has been established, the Administrator may consider such threshold level, with ample margin of safety, when establishing emission standards under this subsection.” Believes that had Congress intended to give EPA discretion to consider threshold levels in exemption of <u>facilities</u> from compliance, the CAA would have said so. Points out that the <u>legislative history of §112(d)(4) clearly rejects EPA’s proposed facility-by-facility MACT exemptions</u>. Notes that Congress considered and rejected the applicability cutoffs upon which EPA now solicits comment. Submits that the House version of the 1990 Amendments allowed States to issue permits that exempted a source from compliance with MACT rules if the source presented sufficient evidence to demonstrate negligible risk. However, the Senate version of the 1990 Amendments contained no such provision. States that in conference, Congress considered both the House and Senate versions and rejected the House bill’s exemption for specific facilities in favor of the Senate bill’s language. Sums up that the applicability cutoffs on which EPA requests comment are unlawful.</p>		IV-D-06 (p. 2-3)	See page 3-86.
12	<p>State that section 112(d)(4) does not apply for source categories that emit carcinogens. Commenter IV-D-06 cites legislative history that makes it clear that Congress did not intend EPA to establish and carcinogens as “threshold” pollutants under §112(d)(4) and submits that even if the §112(d)(4) applicability cutoffs were not unlawful, they would be unlawful for the SCALDT source category because this category emits carcinogens (e.g., SCALDT emits benzene, formaldehyde, EGBE, and nickel compounds).</p>		IV-D-06 (p. 1-3) IV-D-06 (p. 2)	See page 3-86.

Topic No.	Comment	FR reference (\$/page no.)	Commenter ( page no.)	Response
13	<p>States that Section 112 also provides EPA with the authority to exclude sources through its <i>de minimis</i> authority. Further states that relevant case law (see EDF v. EPA, 82F.3D 451, 466 (D.C. Cir. 1996)) gives EPA the authority to incorporate de minimis concepts into regulatory programs as long as the governing statute is not “extraordinarily rigid.” Section 112 has several references to risk, distinguishing among sources, and alternative approaches to section 112(d)(3) MACT standards. Believes that Section 112 cannot be viewed as “extraordinarily rigid.” Also believes it is appropriate based on the decision by the D.C. Circuit in <i>Alabama Power v. Costle</i>, 636 F.2nd 323 (D.C. Cir 1979), for EPA to establish exemptions from what “in context may fairly be considered <i>de minimis</i>.” 636 F2.nd, 323, 360. States that under judicial precedent and EPA’s own interpretation of the statute, EPA has the authority to provide an alternative (to MACT) for non-threshold pollutants for the SCALDT source category based on EPA’s inherent <i>de minimis</i> authority where exposures are within acceptable limits.</p>		IV-D-14 (p. 50-51)	See page 3-86.
14	<p>States that EPA refers to, but does not discuss, a third “deregulatory” option that “would involve the use of a concentration-based applicability threshold. Given that EPA did not explain the approach, it is impossible to comment on it and it has not been proposed sufficiently to include it in a final rule. Adds that, in general, EPA needs to remember that the CAA requires it to “promulgate regulations establishing emission standards for each category or subcategory of major sources or area sources of hazardous air pollutants listed for regulation pursuant to subsection (c)...” Also provides a definition of “major source” and “stationary source” and states that based on those EPA definitions, EPA’s 112(d) standards must apply to each emission point at each source, and the agency cannot exempt any emission point based on the belief that its emissions have a low concentration of HAP.</p>		IV-D-06 (p. 6)	See page 3-86.

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15	<p>Notes that EPA stated in its initial list of source categories that Congress appeared to use the terms category and subcategory interchangeably, and that either a category or subcategory, therefore, can be delisted. States that furthermore, section 112(c)(9)(B) indicates that the Administrator can delist both categories and subcategories. The subsection regarding carcinogenic HAP states that a category of sources can be delisted after a determination that “no source in the category” emits pollutants in an amount that poses a lifetime cancer risk greater than one in one million. The criteria for non-carcinogens allows for delisting “when no source in the category or subcategory” exceeds an emissions level adequate to protect public health. Adds that nothing in the statute or history of EPA’s interpretation of section 112(c) precludes subcategorization based on risk, and, in addition, EPA has stated that emission characteristics are factors to be considered when defining categories.</p>		IV-D-14 (p. 51-53)	See page 3-86.



Topic No.	Comment	FR reference (\$/page no.)	Commenter ( page no.)	Response
16	<p>States that subcategory delisting under §112(c)(9)(B) is flatly unlawful. Section 112(c)(9)(B) provides that EPA “may delete any source <u>category</u>” from the §112(c) list upon making certain determinations. Submits that Congress was well aware of the difference between a “category” and a “subcategory” when it enacted §112(c). When Congress wished to refer to both categories and subcategories, it did so expressly. Submits that by referring only to “category,” Congress made plain that §112(c)(9)(B) does not allow EPA to delist a “subcategory” for any reason.</p> <p>Asserts that even if EPA could delist a subcategory, it could not do so based on risk. Section 112(c) states that “[t]o the extent practicable, categories and subcategories listed under this subsection shall be consistent with the list of source categories established pursuant to section 111 and part C,” and states that subcategories based on risk would not be consistent with either the section 111 list or part C. Adds that EPA has interpreted the statement regarding subcategorizing by “classes, types, and sizes” in section 112(d) to mean that subcategories must share physical characteristics relevant to the degree of pollution control that can be achieved. Believes that because risk is not such a characteristic, EPA may not subcategorize based on risk. Also adds that risk-based subcategories would be at odds with Congress’s purpose in enacting section 112—i.e., requiring technology-based standards with a performance-based floor—which was intended to overcome the difficulties EPA encountered in completing health-based standards. Further adds that EPA has not provided a reason for departing from its current interpretation of the guidelines for establishing subcategories other than to avoid setting emission standards. Thus, subcategorization based on risk, including under the pretense of subcategorization by technology (which EPA admits to considering), would be unlawful.</p> <p>States that EPA did not propose any subcategories for delisting, and if EPA wanted to delist a subcategory, they would have to propose the delisting and allow public comment. Adds that instead of creating further delays with such a process, EPA should consider that its standards are already late and focus its resources on completing the overdue standards instead of providing unlawful exemptions for industry groups that wish to avoid cleaning up their hazardous air pollution.</p>		IV-D-06 (p. 4-5)	See page 3-86.

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17	States that the only option that appears consistent with the CAA, does not create excessive work for State and local agencies, and may be able to be based on science, is the subcategorization and delisting approach. However, adds that the subcategories should be based on equipment or fuel use, not risk. Believes that a subcategory based on site-specific risk creates a circular definition and does not make sense. Also states that subcategory de-listing should occur before the compliance date so that facilities don't put off compliance in the hope or anticipation of de-listing.		IV-D-01 (p. 4-6)	See page 3-86.
18	States that the preamble discussion of establishing the MACT floor now based on controls in place for the entire category and allowing facilities to become part of the low-risk subcategory after the MACT standards are established sounds like another valid reason not to mix the risk-based and technology-based standards development. Adds that EPA does not address how the "once in, always in" policy would apply.		IV-D-01 (p. 6)	See page 3-86.
18	States that even if EPA could subcategorize based on risk, it would be unlawful for EPA to refuse to consider low-risk facilities in the floor calculations. Submits that Section 112 does not provide any exceptions to its mandate to base floors on the emission levels achieved by the relevant best-performing sources.		IV-D-06 (p. 5)	See page 3-86.
19	States that most of the IRIS data is ten to twelve years old, and the data (RfCs) need to be refined as suggested by the American Chemistry Council Diisocyanates Panel and the American Chemistry Council Aliphatic Diisocyanate Panel. Also provides a table showing the development dates of the IRIS RfCs and unit risk estimates.		IV-D-10 (p. 3-5)	See page 3-86.
19	States that the proposal inappropriately uses draft guidelines and toxicity profiles that have not been subject to public review and/or are not publicly available. Particularly concerned with the reference to the use of non-linear carcinogenic risk values and toxicity profiles (for HAP) that have not been finalized and are not available for review by the public.		IV-D-12 (p. 4)	See page 3-86.

Topic No.	Comment	FR reference (§/page no.)	Commenter (page no.)	Response
20	<p>Submitted comments addressing the RfC of 2,4/2,6-Toluene diisocyanate (TDI). States that EPA proposed to use RfCs from the Integrated Risk Information System (IRIS), and the RfC for TDI was calculated without the benefit of new information that provides support for increasing the RfC. Notes that the RfC in IRIS is based on an epidemiology study from which EPA derived a no observable adverse effect level (NOAEL) of 0.9 ppb for pulmonary decrement in workers occupationally exposed to TDI. Believes the NOAEL extrapolated from the study is too low to be scientifically supportable because several studies demonstrate that lung decrement does not occur below 5 ppb. Three subsequent studies failed to demonstrate any lung decrement at 5 ppb in exposed workers, and other reviews have addressed the question of lung decrement. States that in addition, the same study from which EPA derived the NOAEL of 0.9 ppb concluded that the results supported the NIOSH-recommended threshold limit value (TLV) of 5 ppb as an 8-hour time-weighted average (TWA). In addition, EPA has recognized that IRIS values are not conclusive. States that, for instance, in a statement signed by EPA Administrator Whitman, EPA noted that “. . . IRIS is not a comprehensive toxicological database. There may be more recent relevant information available than is contained in IRIS . . . EPA or any State agency that uses IRIS should not rely exclusively on IRIS values but should consider all credible and relevant information that is submitted in any particular rulemaking.” 66 Fed. Reg. 46928, 46929 (Sept. 7, 2001) The commenter offers to develop a health assessment in support of future EPA IRIS assessments for TDI in June, 2000. While the commenter reiterates their willingness to work with EPA to update the IRIS RfC for TDI, the commenter also believes that the Agency should not use the existing RfC for regulatory purposes and, instead, should incorporate this new information into any RfC used in the NESHAP regulation.</p>		IV-D-18	See page 3-86.

Topic No.	Comment	FR reference (\$/page no.)	Commenter ( page no.)	Response
20	<p>Submitted comments addressing the carcinogenicity classification of 2,4,2,6-Toluene diisocyanate (TDI). States that EPA proposed to adopt the unit risk estimate for TDI of 1.1E-05 µg/m<sup>3</sup>, which was assigned to TDI by the California Environmental Protection Agency (CalEPA) and is based upon a study that the commenter believes is flawed. Submits that the study included a rodent bioassay in which TDI was mixed with corn oil and administered by gavage. The commenter's issues with the study include: the relevance of this study is limited to the specific route and vehicle by which the TDI was administered to the test animals; and there are significant technical flaws in the gavage study upon which California bases its unit risk estimate. The commenter provided the following specific information to highlight the technical flaws with the study: (1) in the study, TDI likely reacted with the corn oil or was metabolized to form toluene diamine (TDA), a known mutagen and animal carcinogen that is a hydrolysis product of TDI. Dosage analyses of TDI indicated that TDI had reacted in the corn oil vehicle; (2) the National Toxicology Program (NTP) reported that actual gavage concentrations of TDI were 77% and 90% of theoretical values; (3) a subsequent study by Ashby and Paton (1987) demonstrated that TDI degrades in the presence of corn oil, with a half life at 40°C of five days. Because significant quantities of degradation products were likely administered to the test animals, it is difficult to interpret the gavage study beyond the specific route and vehicle of administration; (4) an inhalation bioassay has provided evidence that TDI is not carcinogenic by the inhalation route, which is the primary route of human exposure and the route of interest for this rulemaking; and (5) metabolism studies conducted on TDI demonstrate that TDA is much more likely to form when TDI is ingested as opposed to inhaled. States that the conclusion that TDI is not carcinogenic via the inhalation pathway is further supported by several high quality epidemiology studies that show no evidence of an increased incidence of cancer among TDI-exposed workers. Based on the information provided, the commenter believes that EPA should not regulate TDI as a carcinogen or use the CalEPA unit risk estimate in this rulemaking.</p>		IV-D-18	See page 3-86.

Topic No.	Comment	FR reference (\$/page no.)	Commenter (page no.)	Response
20	States that, as provided by the American Chemistry Council Diisocyanates Panel, the RfCs for HDI and TDI are overstated, and TDI should not be classified as a carcinogen. The commenter believes that the new information provided by the American Chemistry Council Diisocyanates Panel should be considered when developing RfCs for HDI and TDI, as well as in the classification of TDI and development of the unit risk estimate for TDI.		IV-D-14 (p. 59)	See page 3-86.
20	Submits comments addressing the RfC for 1,6-hexamethylene diisocyanate (HDI). States that new data indicate that the 1994 IRIS RfC for HDI ( $1.0 \times 10^{-5} \text{ mg/m}^3$ ) should be increased by three times to $3.0 \times 10^{-5} \text{ mg/m}^3$ . States that an uncertainty factor of 3 “for the absence of developmental/reproductive studies” was included in the 1994 RfC. Since then, studies undertaken have revealed no reproductive or developmental effects, even at maternally toxic levels. Therefore, believes the uncertainty factor should be removed. Cites guidance from OAQPS (“Guidance on Use of Integrated Risk Information System (IRIS) Values., Memo from John Seitz, Aug. 26, 1994) and a statement from Administrator Whitman, “EPA or any State agency that uses IRIS should not rely exclusively on IRIS values but should consider all credible and relevant information that is submitted in any particular rulemaking.” Based on these statements, the commenter concludes that EPA should use the newer $3.0 \times 10^{-5} \text{ mg/m}^3$ for HDI.		IV-D-03 (p. 1-3)	See page 3-86.
20	Believes that the CalEPA chronic reference exposure level (REL) for ethylene glycol ( $400 \mu\text{g/m}^3$ ) is significantly too low. Provides a detailed discussion to support their hypothesis that no irritant effects have been reported in humans from inhalation of ethylene glycol at concentrations less than $100 \text{ mg/m}^3$ . States that using a conservative value of $67 \text{ mg/m}^3$ (the daily mean concentration from one study cited by the commenter) with an uncertainty factor (UF) of 10 to account for sensitive individuals provides a conservative approach, and adds that any further adjustments for uncertainty are not justified. The commenter calculated an RfC of $1.91 \text{ mg/kg}$ for sensitive individuals, and charges that the CalEPA’s use of an additional UF of 10 to account for long-term systemic effects was inappropriately applied because, as acknowledged by CalEPA, the irritation experienced by humans from exposure to ethylene glycol appears to be an acute phenomenon with no cumulative lasting effects.		IV-D-08 (p. 3-5)	See page 3-86.

Topic No.	Comment	FR reference (§/page no.)	Commenter (page no.)	Response
20	<p>State that significant new data demonstrate the likelihood that EGBE is a threshold carcinogen in rodents, and, more importantly, the mechanism of action in rodents is not relevant to man. Thus, the 13 mg/m<sup>3</sup> value from IRIS is appropriate for CAA assessments. Discuss specific studies that support their position. Also state that the two-decade old HEAST value for DGBE is based on limited information and review, and new information indicates that a substantially higher RfC is appropriate. State that documentation of the current HEAST value is unavailable, and also point out that, as EPA recognizes, HEAST values are “provisional” and have not been subjected to the same degree of review and consensus as IRIS values. Also cite more recent studies that indicate that a higher RfC is appropriate for DGBE. Conclude that, given the available new information and the general pattern of declining toxicity with increasing molecular weights for the glycol ethers, the DGBE RfC should be higher than the value EPA has determined is appropriate for EGBE. Believe that because of the identified flaws, the HEAST value for DGBE cannot be used in CAA rules. Also provide two attachments in support of their position on DGBE, including a European Union risk assessment report for DGBE and an excerpt from Patty’s Toxicology that discusses the toxicity of DGBE.</p> <p>IV-D-14 supports and incorporates by reference the comments of the American Chemistry Council Glycol Ethers Panel (IV-D-13). Believes that it is critical that changes to the IRIS database be made as quickly as possible, particularly for those HAP that will be important in the risk-based alternatives.</p>		<p>IV-D-13 (p. 1-4) IV-D-14 (p. 58-59)</p>	<p>See page 3-86.</p>
20	<p>IV-D-14 agrees with AF&amp;PA that formaldehyde should be assigned a different unit risk factor indicating a significantly lower cancer risk for humans.</p>		<p>IV-D-14 (p. 59)</p>	<p>See page 3-86.</p>
20	<p>States that EPA should consider formaldehyde and acetaldehyde as carcinogens unless a reassessment classifies them as threshold pollutants.</p>		<p>IV-D-01 (p. 5)</p>	<p>See page 3-86.</p>

Topic No.	Comment	FR reference (\$/page no.)	Commenter ( page no.)	Response
21	<p>States that the CAA does not give EPA the authority to consider background concentrations; MACT standards must be based only on emissions from the regulated source and not existing background levels. States that section 112 can be distinguished from other statutory provisions where EPA has been given authority to consider background sources, both in the CAA and in other environmental legislation. Where Congress intended EPA to consider background sources, the authority is clearly granted. Provides several CAA examples where authority to consider background concentrations was explicitly granted, including regulations to meet NAAQS; section 112(k), relating to urban air toxics from area sources; and section 169A, relating to visibility pollution. Also provides examples of other environmental legislation where Congress explicitly granted authority to consider background concentrations. Concludes that where intended, Congress granted such authority explicitly in the language of the statutes, and in any rulemaking to develop a risk-based alternative limit for the SCALDT source category, the consideration of background concentrations is inappropriate and is not specifically required by Section 112(d) of the CAA.</p>		IV-D-14 (p. 53-56)	See page 3-86.
22	<p>States that any risk analyses should concentrate on those chemicals or class of chemicals that EPA has identified as being the major HAP emissions generated by the source category.</p>		IV-D-10 (p. 2-3)	See page 3-86.

Topic No.	Comment	FR reference (\$/page no.)	Commenter (page no.)	Response
23	<p>States that hazard quotients for chemical mixes should not be summed to determine the hazard index (HI) unless the primary effects are on the same organ by the same mechanism; otherwise the risk will be overestimated.</p> <p>States that §112(d)(4) refers to threshold pollutants, and that each health threshold must be augmented by an ample margin of safety. These ample margin of safety values are already incorporated into RfC's. The risk criteria applied are confined to the effects upon which the RfC is based, which reflect the most sensitive target organ. A decision to add risk posed by chemicals that affect the same target organ but have unknown mechanisms of action represents an unnecessarily conservative assumption that will tend to inflate the final risk estimate.</p> <p>States that, according to the National Research Council and the Presidential/Congressional Commission on Risk Assessment and Risk Management, additivity at low doses is more likely to overestimate than to underestimate total risk. (<i>Complex Mixtures</i> (NRC 1988), <i>1997 Presidential/Congressional Commission on Risk Assessment and Risk Management in Regulatory Decision-Making</i>).</p> <p>Adds that the 1997 Commission report also states:</p> <p>“When the individual components of a chemical mixture exhibit different kinds of toxicity or have different biological mechanisms of toxicity, they do not interact—they act independently at low doses. In that case, the dose-response relationships for each chemical should be considered independently. For example, if the chemicals of concern at a Superfund site are copper, a gastrointestinal toxicant; lead, a development toxicant; and heptachlor, a neurological toxicant, their toxicity should be evaluated independently and not combined into a single “non-cancer” risk estimate. Experiments have shown that when groups of unrelated chemicals with unrelated targets of toxicity were administered to rodents simultaneously at doses equal to their separate NOAELs, no cumulative effects were observed; each chemical acted independently (Jonker <i>et al.</i> 1990, Groten <i>et al.</i> 1994). The same is true of groups of chemicals with the same target but different mechanisms of action (Jonker <i>et al.</i> 1993); <u>studies in which similar chemicals with similar mechanisms and target were administered simultaneously indicate that antagonism is the usual outcome</u> (Falk and Kotin 1964, Schmal <i>et al.</i> 1977).</p>		IV-D-14 (p. 56-57)	See page 3-86.



Topic No.	Comment	FR reference (\$/page no.)	Commenter ( page no.)	Response
24	<p>States that an <u>HI of 10 or less should be considered presumptively safe</u>, considering the inherent safety factors in HIs. Points out that this position was endorsed in the <i>1997 Presidential/Congressional Commission on Risk Assessment and Risk Management in Regulatory Decision-Making</i>, in the context of the residual risk program:</p> <p>“The 1990 [CAA] amendments do not set a threshold for considering health risks other than cancer, which the Commission believes to be a serious omission. We chose a threshold hazard index of 10 because there are few hazardous air pollutants with RfCs that are within a factor of 10 of their no-observed-adverse-effects levels (NOAELs). Typically, RfCs are one-thousandth of a NOAEL, so a hazard index of 10 in these cases would still leave a margin of exposure of 100.” (p. 111)</p> <p>Believes that an HQ (not HI) of one should be considered an acceptable level and sources should not be required to go below that amount to an arbitrary level such as 0.2.</p>		IV-D-14 (p. 57-58)	See page 3-86.
25	<p>States that the hazard index is useful in evaluating site-specific impacts, but choosing a generic HI (some multiple of 1) for application to a wide range of sites is inappropriate. Adds that selection of an arbitrary multiple of 1 is not science, does not conform with CAA section 112(d)(4) and does not protect public health. Adds further that using background concentrations from NATA and a HI of 1 is inappropriate because NATA information includes warnings that the information is useful for large-scale planning purposes and <u>not</u> (commenter emphasis) for local area assessment.</p>		IV-D-01 (p. 3)	See page 3-86.
26	<p>States that the selection of a 0.2 hazard index as a rough screening tool seems reasonable, although it is unsupported by any analysis. Adds that if a default hazard index is used, EPA should include a provision that would disallow the use to exclude a facility from MACT, now or in the future, if better background information is available that suggests that the default does not protect public health. The commenter, however, believes that the interpretation that includes the use of such a default to allow exemptions for individual sources is not supported by the CAA, and the expansion of the interpretation to include non-threshold pollutants is in direct conflict with section 112(d)(4) of the CAA.</p>		IV-D-01 (p. 2-3)	See page 3-86.

Topic No.	Comment	FR reference (\$/page no.)	Commenter (page no.)	Response
27	<p>States that EPA has not discussed the need to assess cumulative risks, aggregate exposures, and health impacts associated with exposure to chemical mixtures emitted from facilities within the source categories. The commenter refers EPA to the extensive progress that has been made in more completely addressing risks from exposure to air pollution and integrated decision making in such areas as children’s risk issues, cumulative exposure (“Framework for Cumulative Risk Assessment” (EPA/630/P-02/001A, April 23, 2002), and chemical mixtures (EPA/630/R-00/002). Requests that the recent advancements be incorporated into the risk assessment methods and overall cost estimates associated with risk-based exemptions in the proposed rules.</p>		IV-D-12 (p. 4-5)	See page 3-86.
28	<p>States that EPA appears to assume that it only needs to consider inhalation risks, but the Agency does not demonstrate or even claim that people are exposed only by inhalation to HAP from the source category. Without such a demonstration, it is reasonable to conclude that other pathways may result in exposures, and, therefore, other pathways must be considered. Notes that §112(d)(4) refers to pollutants “for which a health threshold has been established.” As this language and the legislative history (5 Legislative History at 8511) make clear, it refers to pollutants that have <u>no</u> (commenter emphasis) adverse health or environmental effects. Concludes that §112(d)(4) necessarily requires EPA to consider <u>all</u> (commenter emphasis) possible ways that a pollutant could affect human health or the environment.</p>		IV-D-06 (p. 3)	See page 3-86.
29	<p>States that EPA provided inadequate discussion of how environmental risks will be evaluated. Adds that the CAA requires that EPA consider the environment as well as public health, and at a minimum, a facility would be required to conduct an assessment based on EPA’s Guidelines for Ecosystem Assessment (1998). Refers EPA to Appendix A of “Generic Assessment for Endpoints for Ecological Risk Assessment” for a detailed discussion on the legal basis from “such statutes as the CAA...that require EPA to consider and protect organism-level attributes or various taxa including fish, birds, and plants and more generally, animals, wildlife, aquatic life, and living things.”</p>		IV-D-12 (p. 4)	See page 3-86.

Topic No.	Comment	FR reference (\$/page no.)	Commenter ( page no.)	Response
30	<p>Supports EPA’s proposed tiered modeling approach, which begins with simple “look-up tables” and progresses to more refined facility-specific risk assessments. Adds that EPA should be flexible in accepting evolving improvements in exposure assessment and risk modeling, and should take into account the inherent strengths and weaknesses of the types of modeling used.</p>		IV-D-14 (p. 58)	See page 3-86.
30	<p>States that the State of Wisconsin uses a tiered approach that first allows sources to demonstrate compliance if their potential emissions, stack height, and exhaust direction are within the ranges provided in conservative lookup tables. The second tier allows facilities to provide site-specific modeling to demonstrate compliance with ambient air standards at the property line. In general, the approach works well for threshold pollutants. Notes however, that common combustion products formaldehyde and benzene are carcinogens and therefore not threshold pollutants. Since §112(d)(4) applies only to threshold pollutants, it is not an appropriate exclusion approach for combustion sources.</p>		IV-D-01 (p. 4)	See page 3-86.
31	<p>Has identified critical flaws in the methods proposed by EPA for issuing risk-based exemptions in the SCALDT proposal. States that the most obvious is that the risk-based exemption scheme does not comport with EPA’s risk assessment and management guidelines and policies. This critical deficiency in the scheme reflects a fundamental misunderstanding of the use of public health and ecological risk assessments in the regulatory process (commenter’s emphasis). Points out that the risk methods in the SCALDT proposal do not reflect the long-standing and deliberative scientific process for conducting risk assessments that EPA has developed over the past decade.</p> <p>Adds that the hallmark of the federal risk assessment guidelines is a series of policy memos that require EPA programs to conduct risk assessments consistently across all federal environmental programs. Notes that the approaches outlined by AP&amp;PA’s white papers neglect to include risk characterization, which provides needed and appropriate information to decision makers. Adds that the approaches also do not incorporate the critical recommendation of the Commission of Risk Assessment and Risk Management to establish a framework for stakeholder-based risk management decision making. Contends that these omissions in the proposals will prevent regulatory agencies from demonstrating to the public that public health and the environment are adequately protected.</p>		IV-D-12 (p. 2- 3)	See page 3-86.

Topic No.	Comment	FR reference (\$/page no.)	Commenter (page no.)	Response
32	States that the tools needed to identify sources eligible for the risk-based exemption would be the same tools necessary for a Section 112(f) residual risk assessment. Understands that these tools are not yet ready for general use.		IV-D-16 (p. 2-3)	See page 3-86.
32	States that EPA just closed the public review of the cancer risk guidelines on January 28, 2003, and needs time to address the public comments and issue final guidelines.		IV-D-12 (p. 4)	See page 3-86.
33	States that the proposal will place a very intensive resource demand on state and local agencies to review source's risk assessments. Notes that state/local agencies may not have expertise in risk assessment methodology or the resources needed to verify information (e.g., emissions data and stack parameters) submitted with each risk assessment.		IV-D-16 (p. 2)	See page 3-86.
33	Points out that the proposal only considers cost for the regulated source category, and not for regulatory agencies. Adds that the proposal does not address the critical need for qualified risk assessors to evaluate the scientific and technical basis for exempting facilities from regulation on a case-by-case basis, and estimates that if 1 additional full-time employee (FTE) were required per State to review risk-based exemptions, the costs would be an additional \$7.5 million annually.		IV-D-12 (p. 3-4)	See page 3-86.
33	States that they are concerned about the potential cost and workload that risk provisions would place on permitting authorities. Adds that the permitting authorities would need to either perform or verify the risk analyses, and that diverting State and local resources to focus on presumably insignificant sources would detract from efforts associated with significant sources. Points out some of the specific items that would add burden to the State and local agencies, including data verification for background concentrations and ongoing assurance that low-risk facilities remain low-risk.		IV-D-01 (p. 2-4)	See page 3-86.
33	Because EPA understands the difficulty with risk assessments, commenter finds it perplexing that EPA believes such analyses at the State and local levels would be an efficient way to protect public health.		IV-D-02 (p. 1)	See page 3-86.

Topic No.	Comment	FR reference (\$/page no.)	Commenter ( page no.)	Response
34	<p>Suggests that States which qualify and choose to do so should be delegated the authority to implement risk-based alternatives under Section 112(l). Adds this would allow states to coordinate between the MACT alternatives and State air toxics requirements.</p>		IV-D-14 (p.59-60)	See page 3-86.
34	<p>States that title V permits seem to be the obvious implementation tool, and that title V permits could provide enforceable limitations, appropriate recordkeeping requirements, and periodic review upon renewal. Adds that since the rule would apply only to major sources, title V permits already are required and would not be an added burden. Adds further that title V could be used to implement applicability cutoffs, but that the workload involved with the options requiring modeling, ambient monitoring, or other means to establish background concentrations would be a hindrance to any implementation mechanism.</p> <p>States that with respect to potential risk-based provisions, monitoring is more useful for demonstrating non-compliance than compliance because the regulation would apply to potential emissions under any weather conditions, whereas monitoring reflects current weather and emission conditions.</p>		IV-D-01 (p. 2, 4, 5)	See page 3-86.
35	<p>States that it is evident that the proposed approach to risk-based exemptions would require extensive debate and review in order to launch, which will further delay promulgation of the remaining MACT standards. Adds that delays could be exacerbated by litigation following legal challenges to the rules, and such delays would trigger the MACT hammer, which would unnecessarily burden the State and local agencies and the industries. Concludes that, obviously, further delay is unacceptable.</p>		IV-D-16 (p. 2,3)	See page 3-86.
36	<p>Believes that a statement in the proposal preamble is misleading. The preamble states: "Exposure to HAP can result in the incidence of respiratory irritation, chest constriction, gastric irritation, eye, nose, and throat irritation as well as neurological and blood effects." Believes that this statement could be interpreted to mean that all of the HAP chemicals considered, including ethylene glycol, exhibit all of these effects. States that this is not the case and that EPA should revise the statement to clarify that all of these effects are not caused by each HAP.</p>		IV-D-08 (p. 5)	See page 3-86.

Topic No.	Comment	FR reference (\$/page no.)	Commenter ( page no.)	Response
<b>Response to Section X Comments:</b>	<p>The preamble to the proposed Surface Coating of Automobiles and Light-duty Trucks (SCALDT) rule requested comment on whether there might be further ways to structure the SCALDT rule to focus on the facilities which pose significant risks and avoid the imposition of high costs on facilities that pose little risk to public health and the environment. Specifically, we requested comment on the technical and legal viability of three risk-based approaches: (1) an applicability cutoff for threshold pollutants under the authority of CAA section 112(d)(4); (2) subcategorization and delisting under the authority of CAA sections 112(c)(1) and 112(c)(9), and (3) use of a concentration-based applicability threshold. We indicated that we would evaluate all comments before determining whether any approach would be included in the final SCALDT rule. Numerous commenters submitted detailed comments on these risk-based approaches. These comments are summarized above.</p>			
	<p>Based on our consideration of the comments received and other factors, we have decided not to include the risk-based approaches in the final SCALDT rule. The risk-based approaches described in the proposed SCALDT rule and addressed above in the comments we received raise a number of complex issues. In addition, we are under time pressure to complete the SCALDT rule, because the statutory deadline for promulgation has passed and a deadline suit has been filed against EPA. (See Sierra Club v. Whitman, Civil Action No. 1:01CV01537 (D.D.C.)) Given the range of issues raised by the risk-based approaches and the need to promulgate a final rule expeditiously, we believe that it is appropriate not to include any risk-based approaches in the final SCALDT rule. While we are not including risk-based approaches in the final SCALDT rule, we have included a number of other measures that we expect will reduce the costs and burdens on the affected sources. The decision not to include risk based approaches in the final rule does not preclude inclusion of risk based approaches at a future date.</p>			