Example Petition for Exemption
Paint Stripping and Miscellaneous Surface Coating Operations
Area Source Rule
40 CFR Part 63 Subpart HHHHHH (§§ 63.11169 – 63.11180 and Table 1)

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

In accordance with 40 CFR §63.11170(a)(2), an owner or operator of a motor vehicle or mobile equipment surface coating operation (including refinishing operations) may petition the United States Environmental Protection Agency (EPA) Administrator to exempt the operation from the surface coating regulatory requirements of 40 CFR Part 63 Subpart HHHHHH, if the owner or operator can demonstrate that the spray-applied coatings used by the facility do not contain target hazardous air pollutants (HAP) (paint stripping requirements still apply).

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

As defined in 40 CFR §63.11180, coatings are “target HAP containing coatings” if they contain compounds of chromium (Cr), lead (Pb), nickel (Ni), cadmium (Cd), or manganese (Mn) above a given concentration. If a compound is not carcinogenic, then the rule allows a higher concentration of the compound before the coating is considered to be a target HAP containing coating, as described here:

- Target HAP containing coatings are defined to include carcinogens, coatings containing compounds of hexavalent chromium (Cr+6) (e.g., chromates), lead (Pb), nickel (Ni), or cadmium (Cd), if those compounds comprise more than 0.1% of the coating by mass.
- Target HAP containing coatings also include noncarcinogens, coatings containing compounds of trivalent chromium (Cr+3) or manganese (Mn), if those compounds comprise more than 1.0% of the coating by mass.
- Refer to the coating Material Safety Data Sheets (MSDS) or obtain documentation from your supplier for each coating that you spray apply without mixing. If you mix coatings prior to application, determine the target HAP concentration for each coating mixture that you spray apply.

1. General Information

Company Name

Facility Name

Mailing Address

Telephone Number

City State Zip

Facility Location (if different from above):

For mobile refinishing operations, indicate “at various customer locations”

Street Address

County

City Zip

Location where your facility compliance records are maintained:

Street Address

County

City Zip
2. Describe your surface coating operation and explain why your facility qualifies for the exemption under 40 CFR §63.11170 (a)(2). (For example: Our facility repairs automobile collision damage. We are seeking an exemption because we do not use any target HAP containing coatings.)

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

<table>
<thead>
<tr>
<th>Manufacturer</th>
<th>Product Line</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4. Certification Statement
I have consulted reliable analyses (material safety data sheets or information obtained from the coating manufacturer) of the coatings that are used in this facility and have determined that we do not spray apply target HAP containing coatings as defined in 40 CFR §63.11180. Furthermore, I have verified that none of the coatings mixed prior to application contain target HAP as spray-applied, based on the definition of “target HAP containing coatings”. I certify, under penalty of law, to the truth, accuracy, and completeness of the information provided in this petition. If circumstances change such that we intend to spray apply target HAP containing coatings in surface coating operations, we will submit the initial notification required by 40 CFR §63.11175 and will comply with the requirements of 40 CFR Part 63 Subpart HHHHHH (the National Emission Standard for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources). Spray application of target HAP containing coatings in a surface coating operation voids any exemption that might be granted as a result of this petition.

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

_____________________________  ____________________________
Signature of Certifying Official  Date

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

___ Owner     ___ Operator

_____________________________  ____________________________
Printed Name and Telephone Number of Certifying Official  Mailing Address of Certifying Official
Who may be subject to the rule and may need to use this form?

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

Who may petition for exemption?

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

If you are subject to the rule and do not obtain exemption, then you are required to satisfy the rule requirements.
Example Petition for Exemption
Paint Stripping and Miscellaneous Surface Coating Operations
Area Source Rule
40 CFR Part 63 Subpart HHHHHH (§§ 63.11169 – 63.11180 and Table 1)

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

In accordance with 40 CFR §63.11170(a)(2), an owner or operator of a motor vehicle or mobile equipment surface coating operation (including refinishing operations) may petition the United States Environmental Protection Agency (EPA) Administrator to exempt the operation from the surface coating regulatory requirements of 40 CFR Part 63 Subpart HHHHHH, if the owner or operator can demonstrate that the spray-applied coatings used by the facility do not contain target hazardous air pollutants (HAP) (paint stripping requirements still apply).

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

As defined in 40 CFR §63.1180, coatings are “target HAP containing coatings” if they contain compounds of chromium (Cr), lead (Pb), nickel (Ni), cadmium (Cd), or manganese (Mn) above a given concentration. If a compound is not carcinogenic, then the rule allows a higher concentration of the compound before the coating is considered to be a target HAP containing coating, as described here:

- Target HAP containing coatings are defined to include carcinogens, coatings containing compounds of hexavalent chromium (Cr+6) (e.g., chromates), lead (Pb), nickel (Ni), or cadmium (Cd), if those compounds comprise more than 0.1% of the coating by mass.
- Target HAP containing coatings also include noncarcinogens, coatings containing compounds of trivalent chromium (Cr+3) or manganese (Mn), if those compounds comprise more than 1.0% of the coating by mass.
- Refer to the coating Material Safety Data Sheets (MSDS) or obtain documentation from your supplier for each coating that you spray apply without mixing. If you mix coatings prior to application, determine the target HAP concentration for each coating mixture that you spray apply.

1. General Information

Company Name ZYX Collision Repair

Facility Name Same as above

Mailing Address 1 Automotive Drive

Telephone Number 111-555-1212

City Studebaker State Michigan Zip 10000

Facility Location (if different from above):

For mobile refinishing operations, indicate “at various customer locations”

Street Address Same location as above

County

City Same as above

State Zip

Location where your facility compliance records are maintained:

Street Address Same location as above

County

City

State Zip
2. Describe your surface coating operation and explain why your facility qualifies for the exemption under 40 CFR §63.11170 (a)(2). (For example: Our facility repairs automobile collision damage. We are seeking an exemption because we do not use any target HAP containing coatings.)

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

<table>
<thead>
<tr>
<th>Manufacturer</th>
<th>Product Line</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACME Paint</td>
<td>Pro Line</td>
</tr>
<tr>
<td>ABC Coatings</td>
<td>Ultra Line</td>
</tr>
<tr>
<td>ABC Coatings</td>
<td>Supreme Line</td>
</tr>
</tbody>
</table>

4. Certification Statement
I have consulted reliable analyses (material safety data sheets or information obtained from the coating manufacturer) of the coatings that are used in this facility and have determined that we do not spray apply target HAP containing coatings as defined in 40 CFR §63.11180. Furthermore, I have verified that none of the coatings mixed prior to application contain target HAP as spray-applied, based on the definition of “target HAP containing coatings”. I certify, under penalty of law, to the truth, accuracy, and completeness of the information provided in this petition. If circumstances change such that we intend to spray apply target HAP containing coatings in surface coating operations, we will submit the initial notification required by 40 CFR §63.11175 and will comply with the requirements of 40 CFR Part 63 Subpart HHHHHH (the National Emission Standard for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources). Spray application of target HAP containing coatings in a surface coating operation voids any exemption that might be granted as a result of this petition.

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

John Doe
September 20, 2009

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

_____ Owner  _____ Operator

Printed Name and Telephone Number of Certifying Official

John Doe
111-555-1212

Mailing Address of Certifying Official

1 Automotive Drive
Studebaker, Michigan 10000