



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

AUG 14 2008

Reply To

Attn Of: AWT - 107

John T. Kelly
Olympic Region Clean Air Agency
116 W. 8th St., Suite 113
Port Angeles, WA 98362

Re: Applicability of 40 CFR Part 63, Subpart HHHHHH, to Truck Bed Lining Operations

Dear Mr. Kelly:

This is in response to a request from the Olympic Region Clean Air Agency (ORCAA) dated April 27, 2008, to the Environmental Protection Agency (EPA) regarding the potential applicability of 40 CFR Part 63, Subpart HHHHHH, National Emission Standards for Hazardous Air Pollutants (NESHAPS) for Area Sources: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources (Subpart HHHHHH). For the reasons discussed below, EPA has determined that Subpart HHHHHH does apply to truck bed lining operations. Region 10 consulted with EPA's Office of Enforcement and Compliance Assurance (OECA) in making this determination.

Background

ORCAA has facilities in this jurisdiction that spray-apply two-part polyurethanes to truck beds and other vehicles and equipment. There are some facilities that offer custom color truck bed liners. Subpart HHHHHH includes a definition of "truck bed liner coating:"

"Truck bed liner coating means any coating, excluding color coats, labeled and formulated for application to a truck bed to protect it from surface abrasion." See 40 CFR 63.11180.

Because of the language "excluding color coats" in the definition of "truck bed liner coating," ORCAA requests that EPA clarify whether Subpart HHHHHH applies to truck bed lining operations, including those that offer custom color truck bed liners.

NESHAP Applicability

Under the applicability section of Subpart HHHHHH, at 40 CFR 63.11170(a)(2), a facility is subject to this rule if they "Perform spray application of coatings, as defined in § 63.11180, to

motor vehicles and mobile equipment . . . , except spray coating operations that meet the definition of facility maintenance in § 63.11180.” “Coating,” as defined at 40 CFR 63.11180, means:

“ . . .for the purposes of this subpart, a material spray-applied to a substrate for decorative, protective, or functional purposes. For the purposes of this subpart, coating does not include the following materials:

- (1) Decorative, protective, or functional materials that consist only of protective oils for metal, acids, bases, or any combination of these substances.
- (2) Paper film or plastic film that may be pre-coated with an adhesive by the film manufacturer.
- (3) Adhesives, sealants, maskants, or caulking materials.
- (4) Temporary protective coatings, lubricants, or surface preparation materials.
- (5) In-mold coatings that is spray-applied in the manufacture of reinforced plastic composite parts.”

Response to Request

Based on the information provided by ORCAA, truck bed lining operations perform spray application of a material to motor vehicles and mobile equipment for protective purposes. Application of two-part polyurethane coatings used for truck bed liners is not described in any of the exclusions in 40 CFR 63.11170(a)(2) or in the definition of “coating” in 40 CFR 63.11180. Therefore, under the plain language of Subpart HHHHHH, operations that spray-apply coatings to truck bed liners, including color coatings, are subject to Subpart HHHHHH. Although the definition of “truck bed liner coating” does exclude color coats, that definition is not referred in 40 CFR 63.11170, the applicability section for Subpart HHHHHH, or in fact anywhere else in the rule. It therefore can not be a basis for an exemption from Subpart HHHHHH.

If you have any further questions or concerns, please contact Heather Valdez of the Region 10 Office of Air, Waste and Toxics at (206) 553-6220.

Sincerely,



Nancy Helm, Manager
Federal and Delegated Air Programs Unit

cc: Elena Guilfoil, WDOE