

PROJECT REPORT

Miscellaneous Metals
Parts & Products Surface
Coatings Rule

Miscellaneous Plastics
Parts & Products Surface
Coatings Rule

SCOPE

SMALL COMMUNITIES OUTREACH PROJECT FOR ENVIRONMENTAL ISSUES

*A cooperative agreement between the US EPA and NASPAA
for the benefit of small communities*

NATIONAL ASSOCIATION OF SCHOOLS OF PUBLIC AFFAIRS AND ADMINISTRATION

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Executive Summary

Mission. SCOPE was created to bridge the gap between small entities and federal regulators. Its mission is to benefit small communities by minimizing adverse impacts of environmental rulemakings while maintaining their intended environmental and health benefits. SCOPE operates during the preproposal stage of a rulemaking. It allows small entities to learn about rules as they are being written and to identify and communicate potential impacts.

Method. SCOPE meetings occur within the small entities' home communities, and are facilitated by independent local experts in community affairs. Meetings are structured around facilitation guides developed in consultation with the federal regulators, local experts, and others. All facilitators have faculty appointments in graduate programs of public affairs and administration and/or Local Government Institutes. These programs and institutes regularly provide development, training, and evaluation services to local governments and are members of the National Association of Schools of Public Affairs and Administration. This large pool of experts located throughout the USA ensure that SCOPE teams can be created based on an assessment of where the rules are likely to have the largest impact on small entities. As neutral experts with a public service mission SCOPE teams bring the highest caliber of professional expertise to the early consultation process.

Mechanism. SCOPE creates a mechanism for small entities to:

- learn about regulatory developments that may impact them
- discuss concerns and ideas about the regulatory developments
- communicate concerns to all interested parties.

Issue. The Clean Air Act, as amended in 1990, requires the EPA to regulate sources of hazardous air pollutants by applying strict air pollution reduction measures. Hazardous air pollutants (HAPs) are toxic and cause damage to health and to the environment. Health problems caused by breathing hazardous air pollutants include cancer, respiratory irritation, adverse nervous system responses, and birth defects. The EPA regulates the emissions of HAPs from stationary sources by establishing national emission standards (NESHAP). HAPs emissions from coating miscellaneous metals parts and products typically come from surface preparation, coatings application and flash-off, and curing. HAPs emissions from coating plastic parts and products typically occur at the spray booths, flash-off zone, and during curing. The Miscellaneous Metal Parts & Products Surface Coatings Rule & the Plastic Parts & Products Surface Coatings Rule will set emission limits for facilities that both coat these products and are “major sources” of HAPs.

The statute requires the EPA to establish standards to reflect the maximum degree of reduction in HAP emissions through application of maximum achievable control technology (MACT) to major sources. A major source is “any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the

potential to emit considering controls, in the aggregate 10 tons per year or more of any HAP or 25 or more of any combination of HAP.” (Clean Air Act Section 112(a)(1)).

The Clean Air Act states that there should be two levels of permissible HAPs emissions. One level is for new sources of emissions and one level is for sources existing at the time the rules become final. Permissible levels of HAPs emissions from new sources can not be greater than the level of emissions achieved by the best controlled similar source. Existing sources will be held to a less stringent limit. The MACT standard for existing sources is determined by averaging the emissions limitations of 12 percent of the best performing existing sources. (Clean Air Act Section 112(d)(3)).

The new rules will have compliance options that include pollution prevention methods, traditional emissions capture and control, or some combination of these two options. Pollution prevention includes using non-toxic coatings solutions such as waterborne coatings, high-solids coatings, and powder coatings. Emissions control equipment includes add-on controls such as thermal incinerators, scrubbers, and filters. Compliance will require monitoring, record-keeping, and reporting. It is expected that new coatings facilities will have to comply immediately while existing facilities will have up to three years to comply.

Findings. SCOPe met with 137 small entities in Florida, Indiana, Ohio, and Texas over a period of 5 months to discuss rules that will reduce hazardous air pollutant emissions from coatings facilities. Major findings and conclusions follow.

- Small coatings facilities owners do not know the level or the environmental consequences of the hazardous air pollutants their facilities are emitting.
- Small jurisdictions are more concerned with the economic viability of their communities than with health and environmental risks caused by local businesses.
- Communication with owners is challenging and therefore,
 - suppliers are key transfer points of information
 - rules and guidance need to be multi-lingual.
- Streamlined record keeping and an option to submit records electronically will reduce the burden of compliance. However,
 - not all businesses currently keep records
 - neither all businesses nor all small jurisdictions use computers
 - training on record keeping and compliance is critical.
- EPA is perceived as untrustworthy and unfair and therefore
 - Compliance training by a neutral party is valued
 - Compliance should be separate from enforcement
 - Local government is a trusted partner of the business community and can play a role in compliance.

- Sound business reasons to comply are more compelling than fear of enforcement

- not all businesses will automatically comply
- not all businesses can pass the cost off to customers
- businesses do not necessarily feel responsible for the costs of compliance.