

Title 7 DNREC

1100 Air Quality Management Section

1138 EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

3/11/10 *(Tentative effective date)*

13.0 Emission Standards for Hazardous Air Pollutants for Area Source Paint Stripping Operations

13.1 Applicability.

- 13.1.1 Except as provided in 13.1.2 of this regulation, the provisions of 13.0 of this regulation apply to each area source paint stripping facility that performs paint stripping using chemical strippers that contain methylene chloride for the removal of dried paint (including, but not limited to, paint, enamel, varnish, shellac, and lacquer) from wood, metal, plastic, and other substrates.
- 13.1.2 Activities described in 13.1.2.1 through 13.1.2.6 of this regulation are exempt from the provisions of 13.0 of this regulation.
 - 13.1.2.1 Paint stripping performed on site at installations owned or operated by the Armed Forces of the United States (including the Coast Guard and the Delaware National Guards), the National Aeronautics and Space Administration, or the National Nuclear Security Administration.
 - 13.1.2.2 Paint stripping of military munitions manufactured by or for the Armed Forces of the United States (including the Coast Guard and the Delaware National Guards) or equipment directly and exclusively used for the purposes of transporting military munitions.
 - 13.1.2.3 Paint stripping performed by individuals on their personal vehicles, possessions, or property, either as a hobby or for maintenance of their personal vehicles, possessions, or property. Paint stripping performed by individuals for others without compensation is also exempt from 13.0 of this regulation.
 - 13.1.2.4 Paint stripping conducted with research and laboratory activities.
 - 13.1.2.5 Paint stripping associated with quality control activities.
 - 13.1.2.6 Paint stripping activities that are covered under another area source standard in 40 CFR Part 63 or under another section of this regulation.
- 13.1.3 An area source is a source of hazardous air pollutants (HAPs) that is not a major source of HAPs, is not located at a major source of HAPs, and is not part of a major source of HAP emissions. A major source of HAP emissions 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 aggregate, 10 tons per year or more of any HAP or 25 tons per year or more of any combination of HAPs.
- 13.1.4 The affected source is the collection of all equipment used for paint stripping at a paint stripping facility using paint strippers containing methylene chloride.

- 13.1.5 The provisions of 13.0 of this regulation apply to each new, reconstructed, and existing area source paint stripping operation that performs paint stripping using chemical strippers that contain methylene chloride, with the exception of those activities exempted in 13.1.2 of this regulation.
- 13.1.6 An affected source is a new source if it meets the criteria in 13.1.6.1 and 13.1.6.2 of this regulation.
- 13.1.6.1 The owner or operator commenced the construction of the affected source after September 17, 2007 by installing new paint stripping equipment. If the owner or operator of an existing source purchases and installs paint stripping equipment to reduce methylene chloride emissions, this action would not make the existing affected source a new source.
- 13.1.6.2 The new paint stripping equipment is used at an area source of HAPs that was not actively engaged in paint stripping operations prior to September 17, 2007.
- 13.1.7 An affected source is reconstructed if it meets the definition of reconstruction in 3.2 of this regulation.
- 13.1.8 An affected source is an existing source if it is not a new source or a reconstructed source.
- 13.1.9 The owner or operator of an area source, subject to 13.0 of this regulation, is exempt from the obligation to obtain a Title V operating permit under 7 DE Admin Code 1130 of State of Delaware “Regulations Governing the Control of Air Pollution”, if the owner or operator is not required to obtain a Title V operating permit under 3.1 of 7 DE Admin Code 1130 for a reason other than owner or operator’s status as an area source under 13.0. Notwithstanding the previous sentence, the owner or operator shall continue to comply with the provisions of 13.0.

13.2 Definitions.

Unless defined below, all terms in 13.0 of this regulation have the meaning given them in the Act or in 3.2 of this regulation.

“Compliance date” means the date by which the owner or operator shall be in compliance with the applicable requirements of 13.0 of this regulation.

“Deviation” means any instance in which an affected source, subject to 13.0 of this regulation, or an owner or operator of such a source fails to meet any applicable requirement or obligation established in 13.0.

“Initial startup” means the first time equipment is brought online in a paint stripping operation and paint stripping is first performed.

“Military munitions” means all ammunition products and components produced or used by or for the U.S. Department of Defense (DoD) or for the U.S. Armed Services for national defense and security, including military munitions under the control of the DoD, the U.S. Coast Guard, the National Nuclear Security Administration, U.S. Department of Energy, and National Guard personnel. The term military munitions includes: confined gaseous, liquid, and solid propellants, explosives, pyrotechnics, chemical and riot control agents, smokes, and incendiaries used by DoD components, including bulk explosives and chemical warfare agents, chemical munitions, biological weapons, rockets, guided and ballistic missiles, bombs, warheads, mortar

rounds, artillery ammunition, small arms ammunition, grenades, mines, torpedoes, depth charges, cluster munitions and dispensers, demolition charges, nonnuclear components of nuclear weapons, wholly inert ammunition products, and all devices and components of any items listed in this definition.

“Paint stripping” means the removal of dried coatings from wood, metal, plastic, and other substrates. A single affected source may have multiple paint stripping operations.

“Paint stripping facility” means any shop, business, location, or parcel of land where paint stripping operations are conducted.

“Quality control activities” means paint stripping activities that meet all of the following criteria.

- The activities associated with a paint stripping operation are intended to detect and correct defects in the final product by selecting a limited number of samples from the operation and comparing the samples against specific performance criteria.
- The activities do not include the production of an intermediate or final product for sale or exchange for commercial profit; for example, parts or products that are stripped are not sold and do not leave the facility.
- The activities are not a normal part of the paint stripping operation.
- The activities do not involve stripping of the tools, equipment, machinery, and structures that comprise the infrastructure of the affected source and that are necessary for the facility to function in its intended capacity; that is, the activities are not facility maintenance.

“Research and laboratory activities” means paint stripping activities that meet one of the following criteria.

- Activities conducted at a laboratory to analyze air, soil, water, waste, or product samples for contaminants or environmental impact.
- Activities conducted to test more efficient production processes, including alternative paint stripping materials or application methods or methods for preventing or reducing adverse environmental impacts, provided that the activities do not include the production of an intermediate or final product for sale or exchange for commercial profit.
- Activities conducted at a research or laboratory facility that is operated under the close supervision of technically trained personnel, the primary purpose of which is to conduct research and development into new processes and products and that is not engaged in the manufacture of products for sale or exchange for commercial profit.

13.3 Compliance dates.

- 13.3.1 The owner or operator of a new or reconstructed affected source that has an initial startup on or before January 9, 2008 shall be in compliance with the applicable provisions of 13.0 of this regulation no later than March 11, 2010.
- 13.3.2 The owner or operator of a new or reconstructed affected source that has an initial startup after January 9, 2008 shall be in compliance with the applicable provisions of 13.0 of this regulation immediately upon startup or March 11, 2010, whichever is later.
- 13.3.3 The owner or operator of an existing affected source shall be in compliance with the applicable provisions of 13.0 of this regulation no later than January 10, 2011.

13.4 Standards.

- 13.4.1 The owner or operator of a paint stripping operation shall implement management practices to minimize the evaporative emissions of methylene chloride. The management practices shall address, at a minimum, the practices in 13.4.1.1 through 13.4.1.5 of this regulation, as applicable to the paint stripping operations.
- 13.4.1.1 The owner or operator shall evaluate each application to ensure there is a need for paint stripping (e.g., evaluate whether it is possible to re-coat the piece without removing the existing coating).
- 13.4.1.2 The owner or operator shall evaluate each application where a paint stripper containing methylene chloride is used to ensure that there is no alternative paint stripping technology that can be used.
- 13.4.1.3 The owner or operator shall reduce exposure of all paint strippers containing methylene chloride to the air.
- 13.4.1.4 The owner or operator shall optimize application conditions when using paint strippers containing methylene chloride to reduce methylene chloride evaporation (e.g., if the stripper must be heated, make sure that the temperature is kept as low as possible to reduce evaporation).
- 13.4.1.5 The owner or operator shall practice proper storage and disposal of paint strippers containing methylene chloride (e.g., store paint strippers in closed, air-tight containers).
- 13.4.2 The owner or operator of a paint stripping operation that has annual usage of more than one ton of methylene chloride shall develop and implement a written methylene chloride minimization plan to minimize the use and emissions of methylene chloride. The methylene chloride minimization plan shall address, at a minimum, the management practices specified in 13.4.1.1 through 13.4.1.5 of this regulation, as applicable to the paint stripping operations. The owner or operator of a paint stripping operation shall post a placard or sign outlining the methylene chloride minimization plan in each area where paint stripping operations, subject to 13.0 of this regulation, occurs. The owner or operator of a paint stripping operation with annual usage of less than one ton of methylene chloride shall be in compliance with the requirements in 13.4.1.1 through 13.4.1.5, as applicable, but is not required to develop and implement a written methylene chloride minimization plan.
- 13.4.3 The owner or operator of a paint stripping operation shall maintain copies of annual usage of paint strippers containing methylene chloride on site at all times.
- 13.4.4 The owner or operator of a paint stripping operation with annual usage of more than one ton of methylene chloride shall maintain a copy of their current methylene chloride minimization plan on site at all times.

13.5 Notification requirements.

- 13.5.1 Initial notification. The owner or operator of a paint stripping operation, subject to 13.0 of this regulation, shall submit the initial notification required by 3.9.2 of this regulation. For a new or reconstructed affected source, the owner or operator shall submit the initial notification no later than 180 days after initial startup or March 11, 2010, whichever is later. For an existing affected source, the owner or operator shall submit the initial notification no later than March 11, 2010. The initial notification shall provide the information specified in 13.5.1.1 through 13.5.1.8 of this regulation.
- 13.5.1.1 The company's name.
- 13.5.1.2 The address (i.e., physical location) of the affected source and the address where compliance records are maintained, if different.
- 13.5.1.3 An identification of the relevant standard (i.e., 13.0 of 7 DE Admin Code 1138).
- 13.5.1.4 A brief description of the paint stripping operation. The owner or operator shall indicate the method or methods of paint stripping employed (e.g., chemical, mechanical, or both) and the substrates stripped (e.g., wood, plastic, metal, etc.).
- 13.5.1.5 The owner or operator shall indicate whether the affected source plans to use more than one ton of methylene chloride annually after the compliance date.
- 13.5.1.6 A statement of whether the source is already in compliance with all the applicable requirements of 13.0 of this regulation or whether the source will be brought into compliance by the compliance date.
- 13.5.1.7 If the affected source is a new or reconstructed source, the owner or operator shall certify in the initial notification whether the source is in compliance with all the applicable requirements in 13.0 of this regulation. The owner or operator shall include a statement by a responsible official that the source is in compliance with all the applicable requirements in 13.0 and that this initial notification also serves as the notification of compliance status. The owner or operator shall also provide that official's name, title, phone number, e-mail address (if available) and signature, certifying the truth, accuracy, and completeness of the notification.
- 13.5.1.8 If the affected source is an existing source, the owner or operator may certify in the initial notification that the source is already in compliance with all the applicable requirements in 13.0 of this regulation. If the owner or operator of an existing source is certifying in the initial notification that the source is in compliance with all the applicable requirements in 13.0, then the owner or operator shall include a statement by a responsible official that the source is in compliance with all the applicable requirements in 13.0 and that this initial notification also serves as the notification of compliance status. The owner or operator shall also provide that official's name, title, phone number, e-mail address (if available) and signature, certifying the truth, accuracy, and completeness of the notification.
- 13.5.2 Notification of compliance status.
- 13.5.2.1 The owner or operator of a new or reconstructed affected source is not required to submit a separate notification of compliance status in addition to the initial notification specified in 13.5.1 of this regulation provided the owner or operator was able to certify compliance on the

date of the initial notification, as part of the initial notification, and the affected source's compliance status has not since changed.

13.5.2.2 If the owner or operator of an existing affected source did not certify in the initial notification that the affected source is already in compliance as specified in 13.5.1 of this regulation, then the owner or operator of an existing affected source shall submit a notification of compliance status.

13.5.2.3 The owner or operator of an existing affected source, required to submit a notification of compliance status in accordance with 13.5.2.2 of this regulation shall submit the notification of compliance status on or before March 11, 2011. The owner or operator shall submit the applicable information specified in 13.5.2.3.1 through 13.5.2.3.5 of this regulation with the notification of compliance status.

13.5.2.3.1 The company's name.

13.5.2.3.2 The address (i.e., physical location) of the affected source and the address where compliance records are maintained, if different.

13.5.2.3.3 The date of the notification of compliance status.

13.5.2.3.4 The owner or operator of a paint stripping operation, which is an existing source, that annually uses more than one ton of methylene chloride shall submit a statement certifying that the owner or operator has developed and is implementing a written methylene chloride minimization plan in accordance with the requirements in 13.4.2 of this regulation.

13.5.2.3.5 A statement of whether the source is in compliance with all the applicable requirements in 13.0 of this regulation or an explanation of any noncompliance and a description of corrective actions being taken to achieve compliance. The owner or operator shall include a statement by a responsible official certifying the truth, accuracy, and completeness of the notification of compliance status. The owner or operator shall also provide that official's name, title, phone number, e-mail address (if available) and signature.

13.6 Reporting requirements.

13.6.1 Annual notification of changes report. The owner or operator of a paint stripping operation, subject to 13.0 of this regulation, shall submit a report for each calendar year in which information previously submitted in either the initial notification required in 13.5.1 of this regulation, the notification of compliance status required in 13.5.2 of this regulation, or the previous annual notification of changes report submitted under 13.6.1 of this regulation has changed. Deviations from the applicable requirements in 13.0 on the date of the report shall be deemed to be a change. A deviation includes notification when an affected paint stripping source that had not developed and implemented a written methylene chloride minimization plan in accordance with 13.4.2 of this regulation used more than one ton of methylene chloride in the previous calendar year.

- 13.6.2 The annual notification of changes report shall be submitted prior to March 1 of each calendar year when reportable changes have occurred and shall include the information specified in 13.6.1.1 through 13.6.1.3 of this regulation.
- 13.6.2.1 The company's name.
- 13.6.2.2 The address (i.e., physical location) of the affected source and the address where compliance records are maintained, if different.
- 13.6.2.3 A statement of whether the source is in compliance with all the applicable requirements in 13.0 of this regulation or an explanation of any noncompliance and a description of corrective actions being taken to achieve compliance. The owner or operator shall also include a statement by a responsible official with that official's name, title, phone number, e-mail address (if available) and signature, certifying the truth, accuracy, and completeness of the annual notification of changes report.
- 13.6.3 The owner or operator of a paint stripping operation that has not developed and implemented a written methylene chloride minimization plan in accordance with 13.4.2 of this regulation shall submit a report for any calendar year in which the affected source uses more than one ton of methylene chloride. This report shall be submitted no later than March 1 of the following calendar year. The owner or operator shall also develop and implement a written methylene chloride minimization plan in accordance with 13.4.2 no later than December 31 of the following calendar year. The owner or operator shall then submit a notification of compliance status that contains the information specified in 13.5.2 of this regulation by March 1 of the following year and comply with the requirements for paint stripping operations that use more than one ton of methylene chloride in 13.4.4 and 13.7.1.2 of this regulation.

13.7 Recordkeeping requirements.

- 13.7.1 The owner or operator of a paint stripping operation shall keep the records specified in 13.7.1.1 through 13.7.1.3 and 13.7.2 of this regulation, as applicable.
- 13.7.1.1 Records of paint strippers containing methylene chloride used for paint stripping operations, including the methylene chloride content of the paint stripper used. Documentation needs to be sufficient to verify annual usage of paint strippers containing methylene chloride (e.g., material safety data sheets or other documentation provided by the manufacturer or supplier of the paint stripper, purchase receipts, records of paint stripper usage, engineering calculations, etc.).
- 13.7.1.2 If the owner or operator uses more than one ton of methylene chloride annually, the owner or operator shall maintain a record of the current methylene chloride minimization plan on site for the duration of the paint stripping operations. The owner or operator shall also keep records of the annual review of, and updates to, the methylene chloride minimization plan.
- 13.7.1.3 Records of any deviation from the applicable requirements in 13.0 of this regulation, including any deviations from the applicable requirements in 3.0 of this regulation. These records shall include the date and time period of the deviation, a description of the nature of the deviation, and the actions taken to correct the deviation.

- 13.7.2 The owner or operator of an affected source shall maintain records of any assessments of source compliance performed in support of the initial notification, the notification of compliance status, or the annual notification of changes report.
- 13.7.3 The owner or operator of an affected source shall maintain copies of the records specified in 13.7.1 and 13.7.2 of this regulation for a period of at least five years after the date of each record. Copies of records shall be kept on site and in a printed or electronic form that is readily accessible for inspection for at least the first two years after their date, and may be kept off-site after that two year period.

13.8 Applicability of general provisions.

The owner or operator of an affected sources, subject to the provisions of 13.0 of this regulation, shall also be in compliance with the provisions in 3.0 of this regulation, that are applicable to 13.0 as specified in Table 13-1 of this regulation.

13.9 [Reserved].

Table 13-1- Applicability of 3.0 to 13.0 of this Regulation

General Provision Reference	Applies to 13.0	Comment
3.1.1.1	Yes	Additional terms defined in 13.2 of this regulation; when overlap between 3.0 and 13.0 of this regulation occurs, 13.0 takes precedence.
3.1.1.2 - 3.1.1.3	Yes	
3.1.1.4	Yes	13.0 of this regulation clarifies the applicability of each provision in 3.0 of this regulation to sources subject to 13.0.
3.1.1.5	No	Reserved.
3.1.1.6	Yes	
3.1.1.7 - 3.1.1.9	No	Reserved.
3.1.1.10 - 3.1.1.12	Yes	
3.1.1.13 - 3.1.1.14	No	Reserved.
3.1.2.1 - 3.1.2.3	Yes	Applicability of 13.0 of this regulation is also specified in 13.1 of this regulation.
3.1.3.1	Yes	13.0 of this regulation clarifies the applicability of each paragraph in 3.0 of this regulation to sources subject to 13.0.
3.1.3.2	Yes	13.1.9 of this regulation exempts area sources from the obligation to obtain Title V operating permits.
3.1.3.3 - 3.1.3.4	No	Reserved.
3.1.3.5	Yes	
3.1.4	No	Reserved.
3.1.5	Yes	13.1.9 of this regulation exempts area sources from the obligation to obtain Title V operating permits.
3.2	Yes	Additional terms defined in 13.2 of this regulation; when overlap between 3.0 and 13.0 of this regulation occurs, 13.0 takes precedence.
3.3	Yes	
3.4.1.1 - 3.4.1.2	Yes	
3.4.1.3 - 3.4.1.5	No	Reserved.
3.4.2 - 3.4.2.2	Yes	
3.4.2.3	No	Reserved.

Table 13-1 - Continued

General Provision Reference	Applies to 13.0	Comment
3.4.3	Yes	
3.5.1 - 3.5.2.1	Yes	
3.5.2.2	No	Reserved.
3.5.2.3 - 3.5.2.4	Yes	
3.5.2.5	No	Reserved.
3.5.2.6	Yes	
3.5.3	No	Reserved.
3.5.4.1.1 - 3.5.4.1.2.8	Yes	
3.5.4.1.2.9	No	Reserved.
3.5.4.1.2.10 - 3.5.4.4	Yes	
3.5.5	Yes	
3.5.6 - 3.5.6.1.1	Yes	
3.5.6.1.2 - 3.5.6.1.4	No	Reserved.
3.5.6.2	Yes	
3.6.1	Yes	
3.6.2 - 3.6.2.5	Yes	13.3 of this regulation specifies the compliance dates.
3.6.2.6	No	Reserved.
3.6.2.7	Yes	
3.6.3.1 - 3.6.3.2	Yes	13.3 of this regulation specifies the compliance dates.
3.6.3.3 - 3.6.3.4	No	Reserved.
3.6.3.5	Yes	
3.6.4	No	Reserved.
3.6.5 - 3.6.5.1	Yes	

Table 13-1 - Continued

General Provision Reference	Applies to 13.0	Comment
3.6.5.2	No	Reserved.
3.6.5.3	No	No startup, shutdown, and malfunction plan is required by 13.0 of this regulation.
3.6.6.1	Yes	
3.6.6.2 - 3.6.6.2.2	Yes	
3.6.6.2.3	No	13.0 of this regulation does not require performance testing.
3.6.6.2.4 - 3.6.6.3	Yes	
3.6.7	Yes	
3.6.8	No	13.0 of this regulation does not establish opacity or visible emission standards.
3.6.9 - 3.6.9.6.1.2.1	Yes	
3.6.9.6.1.2.2	No	Reserved.
3.6.9.6.1.2.3 - 3.6.9.6.1.2.4	Yes	
3.6.9.6.1.3 - 3.6.9.6.1.4	No	Reserved.
3.6.9.6.2 - 3.6.9.14	Yes	
3.6.9.15	No	Reserved.
3.6.9.16	Yes	
3.6.10	Yes	
3.7	No	No performance testing is required by 13.0 of this regulation.
3.8	No	13.0 of this regulation does not require the use of continuous monitoring systems.
3.9.1 - 3.9.1.4	Yes	13.5 of this regulation specifies notification requirements.
3.9.1.4.1	No	Reserved.

Table 13-1 - Continued

General Provision Reference	Applies to 13.0	Comment
3.9.1.4.2 - 3.9.2.2.5	Yes	Except that 13.5.1 of this regulation specifies the initial notification requirements.
3.9.2.3	No	Reserved.
3.9.2.4 - 3.9.2.4.1	Yes	
3.9.2.4.2 - 3.9.2.4.4	No	Reserved.
3.9.2.4.5 - 3.9.4	Yes	
3.9.5	No	13.0 of this regulation does not require performance tests.
3.9.6	No	13.0 of this regulation does not have opacity or visible emission standards.
3.9.7	No	13.0 of this regulation does not require the use of continuous monitoring systems.
3.9.8 - 3.9.8.3	Yes	Except that 13.5.2 of this regulation specifies the notification of compliance status requirements.
3.9.8.4	No	Reserved.
3.9.8.5 - 3.9.8.6	Yes	
3.9.9	Yes	
3.9.10	Yes	13.6.2 of this regulation specifies the dates for submitting the notification of changes report.
3.10.1 - 3.10.1.4	Yes	
3.10.1.4.1	No	Reserved.
3.10.1.4.2 - 3.10.1.7	Yes	
3.10.2.1	Yes	Additional requirements are specified in 13.7 of this regulation.
3.10.2.2.1 - 3.10.2.2.11	No	13.0 of this regulation does not require startup, shutdown, and malfunction plans, performance testing, or CMS.
3.10.2.2.12	Yes	
3.10.2.2.13	No	13.0 of this regulation does not require the use of CEMS.
3.10.2.2.14	Yes	

Table 13-1 - Continued

General Provision Reference	Applies to 13.0	Comment
3.10.2.3	Yes	
3.10.3	No	13.0 of this regulation does not require the use of CMS.
3.10.4.1	Yes	Additional requirements are specified in 13.6 of this regulation.
3.10.4.2 - 3.10.4.3	No	13.0 of this regulation does not require performance tests, or opacity or visible emissions observations.
3.10.4.4	Yes	
3.10.4.5	No	13.0 of this regulation does not require startup, shutdown, and malfunction reports.
3.10.5	No	13.0 of this regulation does not require the use of CMS.
3.10.6	Yes	
3.11	No	13.0 of this regulation does not require the use of flares.
3.12	Yes	
3.13	Yes	
3.14	Yes	
3.15	Yes	