

# Questions and Answers from the Section 15 Public Workshops

## From 2/16 Workshop

**Question: Has EPA Region 3 received any petitions for an exemption from 40 CFR Part 63 Subpart HHHHHH?**

**Answer:** According to counterpart in the Region 3 Office, approximately 50 petitions have been received to date. Region 3 expects to start reviewing these requests for exemption in the near future.

During the above discussion, the Department gained a deeper understanding of what information Region 3 will be requiring from the petitioners and the basis for their approval or disapproval. Based on this deeper understanding, **the Department will revise the Delaware draft regulatory requirements to clarify the process for facilities to request an exemption from Section 15 of Regulation 1138.** The workshop draft exemption requirements are found in 15.1.2.9. The revised draft will be posted on the Section 15 website once the changes have been incorporated.  
<http://www.awm.delaware.gov/Info/Regs/Pages/Section15.aspx>

**Question: Why is logging of the pressure drop across the filter media each day needed?**

**Answer:** The pressure drop across the filter media is a direct indication of whether the particulate (overspray particles) control device is being operated and maintained properly.

If the measured pressure drop exceeds the manufacturer's recommended operating range, the filter media is likely plugged or blinded. If the measured pressure drop is below the manufacturer's recommended operating range, there are likely holes or cracks in the filter media. In both situations, the certified collection efficiency of the filter media is compromised and excess emission of Target HAPs can occur.

The daily logging of the measure pressure drop, a recognized best management practice, clearly demonstrates the owner or operator is operating and maintaining the facility's air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.

**Question: We don't operate the spray booth every day, how do we log the pressure drop across the filter? Do we have to start up the spray booth and filter in order to monitor and log the pressure drop?**

**Answer:** If the spray booth is not operated on any typical working day, simply note on the daily pressure drop log sheet "SBNRT" (spray booth not run today) or other similar identifier.

**The Department will revise the language in 15.5 of Section 15 to clarify the logging requirements** when the spray booth or other similar enclosures are not going to be operated on a given calendar day. The revised draft will be posted on the Section 15 website once the changes have been incorporated.  
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**Question: Can the used filter media be disposed of in a municipal (sanitary) landfill?**

**Answer:** Under Delaware law, if you generate hazardous waste you have “cradle-to-grave liability,” which means you are responsible for your waste even if other companies handle and dispose of it for you. You must determine whether your shop’s wastes are classified as hazardous waste and take responsibility for handling and disposing of your wastes according to the law.

The easiest way to determine if your used spray booth filters are hazardous waste is to review the Material Safety Data Sheets (MSDS’s) for the paint and solvents you use. If the paint/solvents do not contain heavy metals (for example lead, cadmium, chromium), the spent filters would not be considered a hazardous waste.

While non-hazardous spray booth filters can be disposed with the Delaware Solid Waste Authority (DSWA), you must first obtain written approval. Call the DSWA Citizens Response Line at 1-800-404-7080 for more information.

If your paint contains heavy metals, the spray booth filters could be contaminated with those metals and it is potentially a hazardous waste when spent. You can manage these filters as a hazardous waste with a hazardous waste disposal company or you can have a hazardous waste disposal company analyze your filters via a Toxicity Characteristic Leaching Procedure (TCLP) for the eight (8) hazardous waste metals. If your filters fail the TCLP for any of the eight (8) metals, you must manage the filters as a hazardous waste. If the analytical data determines your spent filters to be non-hazardous, upon obtaining written approval from the DSWA, you can dispose of the filters in DSWA landfills. Call the DSWA Citizens Response Line at 1-800-404-7080 for more information.

The analytical TCLP data would be good for all spent paint filters you generate as long as you continue to use the same paint and solvent products. If the paint/solvent you use changes in its ingredients, or you change paints/solvents or manufacturers, a new TCLP test would need to be performed.

Regardless, if an auto body shop utilizes knowledge (review of MSDS’s) or analytical data, the shop is required to be correct in its hazardous waste determinations.

**Bruce Cole** of the Department’s Solid and Hazardous Waste Management Branch would be glad to help individuals and businesses with hazardous waste questions. Please feel free to contact him directly at 302-739-9403 or [Bruce.Cole@state.de.us](mailto:Bruce.Cole@state.de.us)

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## From 2/16 Workshop

**Question: If the fender with paint can be disposed in a municipal landfill, wouldn't a filter media with collected paint (overspray) be the same thing?**

**Answer:** Automobile fenders have a smaller percentage of coating (paint) when compared to most paint overspray filters. Having less paint percentage, the waste fenders most likely are not a hazardous waste due to the coating. The DNREC, Solid and Hazardous Waste Management Branch encourages that body shops utilize a recycler for both metal and plastic parts to avoid disposal of a potential recyclable resources.

**Bruce Cole** of the Department's Solid and Hazardous Waste Management Branch would be glad to help individuals and businesses with hazardous waste questions. Please feel free to contact him directly at 302-739-9403 or [Bruce.Cole@state.de.us](mailto:Bruce.Cole@state.de.us)

**Question: Is Dassault Falcon Jet subject to Section 13 of Regulation 1138, they are probably the largest user of methylene chloride paint strippers in Delaware?**

**Answer:** Dassault Falcon does use methylene chloride to strip paint, but is not subject to Section 13, which is only applicable to area (small) HAP sources.

As a major HAP source, Dassault Falcon is subject to a more stringent air toxics standard at 40 CFR Part 63 Subpart GG "National Emission Standards for Aerospace Manufacturing and Rework Facilities".

**Question: How much methylene chloride paint stripper can I use and still stay under the threshold for Section 13 of Regulation 1138?**

**Answer: None**, if you use any chemical stripper containing methylene chloride you are subject to Section 13.

# Questions and Answers from the Section 15 Public Workshops

## From 2/18 Workshop

Question: **Why did EPA exempt spray painting with a hand help spray gun equipped with a 3 ounce or less paint cup from the federal rule (Subpart 6Hs), I have been told several different ones?**

Answer: Can't answer for EPA, but another answer could be as follows. When EPA originally identified the "auto-body" source category to regulate, they did not include "small touch up and spot repair operations." Thus, the proposed rule exempted air brushes or spray guns equipped with a 1 ounce or less paint cup. EPA received several comments seeking clarification of the proposed rule regarding the small touch up and spot repair coating applications. EPA eventually increased the paint cup to 3 ounces or less in the final rule based on its "review of vendor literature for miniature spray guns and air brushes, and discussions with collision repair shop owners that commented on the proposed rule." Delaware's Section 15 follows the federal rule in this area.

Additional discussion is provided on pages 1747 and 1748 of the preamble to the final federal rule, which on the Department's regulatory website.

<http://www.awm.delaware.gov/Info/Regs/Pages/Section15.aspx>

Question: **Does that mean the body shop can spray apply coating to "on the floor" (as opposed to in an enclosure), if the painter only uses spray guns with paint cups that hold 3 ounces or less?**

Answer: **Yes.** Section 15, like the federal Subpart 6Hs, is applicable to spray applied coatings and the definition of spray applied coatings in 15.3 specifically states that spray applied coatings do not include coatings "applied from a hand-held device with a paint cup capacity that is equal to or less than 3.0 fluid ounces".

Question: **Are "curtains" considered walls in the enclosure requirements for spray application of coatings?**

Answer: **Yes,** complete curtains are acceptable; "walls" was shown on the presentation slides simply for space consideration. The two applicable requirements read as follows:

15.4.1.3.1 Spray booths and preparation stations used to refinish complete motor vehicles or mobile equipment shall be fully enclosed with a full roof, and **four complete walls or complete side curtains**, and shall be ventilated

. . .

15.4.1.3.2 Spray booths and preparation stations that are used to coat parts, subassemblies, or accessories for motor vehicles or mobile equipment shall have a full roof, at least **three complete walls or complete side curtains**, and shall be ventilated. . .

# Questions and Answers from the Section 15 Public Workshops

## From 2/18 Workshop

**Question: Can priming be done “on the floor” or does it also have to be done in a spray booth?**

**Answer:** If the primer coating contains “target HAPs” (compounds of cadmium, chromium, lead, manganese or nickel above de minimus levels), the spray application of that primer coating must be applied in an enclosure as defined in 15.4.1.3.1 and 15.4.1.3.2.

**Question: How will the Department determine if the owner or operator of the facility is in compliance with painter certification requirements?**

**Answer:** As discussed in the workshop, the owner or operator is responsible for certifying that all painters have been certified as completing an acceptable training program in the last five years. The owner or operator is also required to maintain the records to demonstrate that all painters have been certified.

It was also discussed that the owner or operator is free to determine the appropriate minimum acceptable training program in order to certify the painters at its facility.

During facility visits, the Department will be looking at the owner or operator’s records for the following:

- A description of the owner or operator’s prescribed minimum acceptable training requirements to certify the painters at the facility,
- The names of all painters employed by the facility since January 10, 2011 (existing sources) or since starting up a new facility (new sources),
- The owner or operator’s certification records for all painters employed by the facility since January 10, 2011 (existing sources) or since starting up a new facility (new sources).

The Department will then determine the following:

- Did the owner or operator’s training program for certification the painters conform to the minimum acceptable training requirements in 15.4.2?
- Did the owner or operator have complete documentation of all painters employed since January 10, 2011 or the last five years, whichever time frame is shorter?
- Did the owner or operator have adequate documentation for each painter at the facility demonstrating successfully completion of each facet of the minimum acceptable training program?

# Questions and Answers from the Section 15 Public Workshops

## From 2/18 Workshop

**Question: If a painter moves to another shop, can the painter's training certification move with the painter?**

**Answer: Yes.** While it was stated in the 2/18 public workshop that the transferability was addressed by EPA, possibly in the preamble to the federal rule, it was subsequently found in a Nov. 2008 presentation by EPA's Len Lazurus to EPA's Region 3 Air Toxics Workgroup. On Slide 14 of the presentation (link below is to a similar presentation that was given to EPA Region 10), Mr. Lazurus of EPA's Office of Compliance indicated that . . .

- In lieu of initial training [the owner] can document that [the] painter has already accumulated equivalent work experience or training

[http://yosemite.epa.gov/R10/airpage.nsf/Air+Toxics/summit+region+x/\\$FILE/Day2-NESHAP-Paint-Stripping-Misc-Coat.pdf](http://yosemite.epa.gov/R10/airpage.nsf/Air+Toxics/summit+region+x/$FILE/Day2-NESHAP-Paint-Stripping-Misc-Coat.pdf)

**Question: Can a painter clean a fully assembled spray gun with water, instead of a VOC gun cleaning solvent?**

**Answer: No,** the type of gun cleaning solvent being used is NOT the concern in Section 15. The significant limitation in 15.4.1.5 is that an atomized mist or spray of gun cleaning solvent and coating residue, regardless of what the solvent is, cannot be created outside of a container that collects used gun cleaning solvent.

- 15.4.1.5 All coating spray gun cleaning shall be done so that an atomized mist or spray of gun cleaning solvent and coating residue is not created outside of a container that collects used gun cleaning solvent.

# Questions and Answers from the Section 15 Public Workshops

## From 2/25 Workshop

**Question:** There is a spray booth on the market that circulates the exhaust air from the spray booth through filter media and a carbon absorber before returning the treated air back into the spray booth, would this type of spray booth be subject to Section 15?

**Answer:** **Yes.** Section 15, like the federal Subpart 6Hs, defines a source's **applicability** by the coating operations being performed, not the equipment being used. For Section 15, this is done in 15.1.1; for Subpart 6Hs, this is done in 63.11170(a) and (a)(2). Both paragraphs say essentially the same thing.

15.1.1 Except as provided in 15.1.2 of this regulation, the provisions of 15.0 of this regulation apply to each area source motor vehicle or mobile equipment surface coating facility that performs spray application of coatings that contain target hazardous air pollutants (target HAPs) to motor vehicles or mobile equipment including operations that are located at a motor vehicle or mobile equipment surface coating facility and mobile repair and refinishing operations that travel to the customer's location, except spray coating applications that meet the definition of facility maintenance in 15.2 of this regulation.

In other words, if a facility spray applies a coating that contains greater than the de minimus level of a target HAP to a motor vehicle, mobile equipment, or parts thereof in the type of spray booth of this question, then that facility must comply with Section 15.

An alternative approach to consider. The manufacturer of a spray booth of the type addressed in this question can elect to differentiate its product from other spray booth types by obtaining EPA's permission to use their "alternative" in lieu of complying with the requirements of Section 63.11173, as provided in 63.11173(e)(5).

(e)(5) As provided in §63.6(g), we, the U.S. Environmental Protection Agency, may choose to grant you permission to use an alternative to the emission standards in this section after you have requested approval to do so according to §63.6(g)(2).

As currently drafted, the use of this "alternative" approach is covered in 15.4.1.6.

However, during the review of 15.4.1.6, the Department finds that 15.4.1.6 is not as clear as it should be on how Department will address any EPA-approved alternatives. Therefore, **the Department will revise 15.4.1.6 to clarify the process** for facilities to request the Department's approval of an alternative to emission standards in 15.4 of Regulation 1138. The revised draft will be posted on the Section 15 website once the changes have been incorporated.

<http://www.awm.delaware.gov/Info/Regs/Pages/Section15.aspx>

# Questions and Answers from the Section 15 Public Workshops

## From 2/25 Workshop

Question: **Some of the spray booths currently in use operate at a positive pressure. To operate at a positive pressure, fans not only draw air out of the spray booth but also blow fresh air into the spray booth. There are filters on the inlet and outlet ducts from the spray booth. The inlet filter collects dust particles that could mar the applied coating; the outlet filter captures the overspray. EPA in Subpart 6Hs recognized that some spray booths are operated at positive pressures and required the owner or operator to limit this positive pressure inside.**

**The Delaware-added monitoring requirement in 15.5 appears to require measuring the differential pressure drop across all filters of the spray booth. First, is there really a need to measure and record the pressure drop across the intake air filter? And second, if the owner or operator of a positive pressure spray booth has to maintain the pressure at or below 0.05 inches water gauge positive pressure, is there really a need to measure the differential pressure drop on the exhaust filter?**

Answer: Regarding question 1. **No**, it is not necessary to monitor the differential pressure drop across the filter media in the fresh air intake. The monitoring of the differential pressure drop is only necessary for the filter media installed to meet the requirements of 15.4.1.2.1.

Though not asked in above two questions, several workshop attendees have remarked in passing that they have installed a series of filters in the exhaust from the spray booth to extend the useful life of the filter media required in 15.4.1.2.1. The owner or operator is likewise not required to monitor the differential pressure drop across any of these “pre-filters”.

Upon review of 15.5, the Department agrees the current draft language is misleading with respect to which filter media require monitoring. Therefore, **the Department will revise 15.5 in the next draft to indicate** that differential pressure drop monitoring is only applicable to the filter media installed to meet the requirements of 15.4.1.2.1.

Regarding question 2. **Yes**, there is a need to monitor the differential pressure drop on the filter media installed to meet the requirements of 15.4.1.2.1. Monitoring of the differential pressure drop is a best management practice that ensures that the filter media is being properly operated and maintained.

During review for question 2, the Department finds that it didn't incorporate any monitoring requirements to ensure that positive pressure spray booths are operated at pressures not exceeding 0.05 inches water gauge positive pressure. Therefore, **the Department will revise 15.5 in the next draft to add appropriate** monitoring, operating, and recordkeeping requirements. The revised draft will be posted on the Section 15 website once the changes have been incorporated.  
<http://www.awm.delaware.gov/Info/Regs/Pages/Section15.aspx>