

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 63**

[AD-FRL-6154-1]

RIN 2060-AE02

National Emission Standards for Hazardous Air Pollutants Aerospace Manufacturing and Rework Facilities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action finalizes amendments to the national emission standards for hazardous air pollutants (NESHAP) for aerospace manufacturing and rework facilities proposed in the **Federal Register** on March 27, 1998. Today's final changes involve new definitions for general aviation and general aviation rework facility, separate coating limits for primers and topcoats used at general aviation rework facilities, and additional changes resulting from public comments on previously proposed (October 29, 1996) amendments to the final rule.

EFFECTIVE DATE: September 1, 1998.

ADDRESSES: *Docket.* The docket for this rulemaking containing the information considered by the EPA in development of the final rule is Docket No. A-92-20.

This docket is available for public inspection between 8 a.m. and 4 p.m., Monday through Friday except for Federal holidays, at the following address: U.S. Environmental Protection Agency, Air and Radiation Docket and Information Center (6102), 401 M Street SW., Washington, DC 20460; telephone: (202) 260-7548. The docket is located at the above address in Room M-1500, Waterside Mall (ground floor). A reasonable fee may be charged for copying.

An electronic version of documents from the Office of Air and Radiation (OAR) is available through EPA's OAR Technology Transfer Network Web site (TTNWeb). The TTNWeb is a collection of related Web sites containing information about many areas of air pollution science, technology, regulation, measurement, and prevention. The TTNWeb is directly accessible from the Internet via the World Wide Web at the following address, "http://www.epa.gov/ttn". Electronic versions of this preamble and these amendments are located under the OAR Policy and Guidance Information Website, "http://www.epa.gov/ttn/oarpg/", under the Recently Signed Rules section. There is also an aerospace site on the Unified Air Toxics Website at, "http://www.epa.gov/ttn/uatw/aerosp/aeropg.html". If more

information on the TTNWeb is needed, contact the Systems Operator at (919) 541-5384.

FOR FURTHER INFORMATION CONTACT: For information concerning the changes to the standards, contact Ms. Barbara Driscoll, Policy Planning and Standards Group, Emission Standards Division (MD-13), U. S. Environmental Protection Agency, Research Triangle Park, NC 27711; telephone (919) 541-0164. For implementation issues (guidance documents), contact Ms. Ingrid Ward, Program Review Group, Information Transfer and Program Integration Division (MD-12), U. S. Environmental Protection Agency, Research Triangle Park, NC 27711, telephone number (919) 541-0300. For information concerning applicability and rule determinations, contact your State or local representative or the appropriate EPA regional representative.

SUPPLEMENTARY INFORMATION:**Regulated Entities**

Entities potentially regulated by this action are owners or operators of facilities that are engaged, either in part or in whole, in the manufacturing or rework of commercial, civil, or military aerospace vehicles or components and that are major sources as defined in § 63.2. Regulated categories include:

Category	Examples of regulated entities
Industry	Facilities which are major sources of hazardous air pollutants and manufacture, rework, or repair aircraft such as airplanes, helicopters, missiles, rockets, and space vehicles.
Federal Government	Federal facilities which are major sources of hazardous air pollutants and manufacture, rework, or repair aircraft such as airplanes, helicopters, missiles, rockets, and space vehicles.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities that EPA is now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your facility [company, business, organization, etc.] is regulated by this action, you should carefully examine the applicability criteria in § 63.741 of the NESHAP for aerospace manufacturing and rework facilities promulgated in the **Federal Register** on September 1, 1995 (60 FR 45948) and amended on March 27, 1998 (63 FR 15005). If you have questions regarding the applicability of this action to a particular entity, contact your State or local representative or the appropriate EPA regional representative.

The information presented below is organized as follows:

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I. Background

National emission standards for hazardous air pollutants for aerospace manufacturing and rework facilities were proposed in the **Federal Register** on June 6, 1994 (59 FR 29216). Public comments were received regarding the standards and the final NESHAP was promulgated in the **Federal Register** on September 1, 1995 (60 FR 45948). Amendments to the final rule were promulgated on March 27, 1998 (63 FR 15005). These additional amendments were proposed on that same date (63 FR

15034). This action finalizes these additional amendments to §§ 63.741, 63.742, 63.744, 63.745, 63.746, 63.750, 63.751, 63.752 and 63.753 of subpart GG of 40 CFR part 63 and Method 319 of appendix A to part 63—TEST METHODS. These sections deal with applicability, definitions, cleaning operations, topcoat and primer application operations, depainting operations, monitoring requirements, recordkeeping requirements, and reporting requirements.

The Agency set these standards for aerospace manufacturing and rework facilities to address organic and inorganic HAP emissions. As stated in the preamble to the rule as originally promulgated (60 FR 45952, September 1995), nationwide emissions of HAP from at least 2,869 major source aerospace manufacturing and rework facilities will be reduced by approximately 112,600 Mg (123,700 tons). These changes to the NESHAP will not result in any significant changes to the emission reductions or cost impacts because (1) only a small number of general aviation (GA) rework facilities will be considered major sources and therefore subject to the NESHAP requirements and (2) only one or two known aerospace facilities utilize pumpless waterwash systems for controlling particulate emissions.

A. Public Comment on the March 27, 1998 Proposal

Eighteen comment letters were received on the March 27, 1998 **Federal Register** document that proposed changes to the rule. The proposed changes covered a variety of issues and many of the comment letters were supportive of the amendments. The significant issues raised by the commenters and the changes to the proposed amendments are summarized in the following sections of this preamble. More detailed responses are provided in an addendum to the background information document (BID) volume II which can be found in Docket A-92-20, document No. EPA 453/R-97-003b.

B. Judicial Review

Under section 307(b)(1) of the Act, judicial review of today's amendments to the NESHAP for aerospace manufacturing and rework facilities is available only on the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication of this final rule. Under section 307(b)(2) of the CAA, the requirements that are subject to today's notice may not be challenged later in civil or criminal

proceedings brought by the EPA to enforce these requirements.

II. Summary of Major Comments and Changes to the Proposed Rule

A. Definitions

Based on the proposed and final alternative coating limits for general aviation rework facilities (see paragraph II. B.), the EPA proposed adding definitions for "general aviation" and "general aviation rework facility" to § 63.742. Two commenters supported the proposed definition for "general aviation" and there were no comments on the proposed definition of "general aviation rework facility." However, a group of eight commenters recommended the following revised definition for "general aviation" based on another EPA document (Reference: EPA Air Transportation Industry Sector Notebook; EPA/310-R-97-001):

General aviation (GA) means that segment of civil aviation that encompasses all facets of aviation except air carriers, commuters, and military. General aviation includes charter and corporate-executive transportation, instruction, rental, aerial application, aerial observation, business, pleasure, and other special uses.

The Agency decided to change the definition of "general aviation" as suggested by the commenters and has included the revised definition in today's final amendments. The revised definition still accurately describes the segment of the aerospace industry involving smaller aircraft for which the alternative primer and topcoat standards are intended. The revised definition also has the advantage (as noted by the commenters) of being consistent with another recent EPA document addressing and describing this same segment of the aerospace industry. The Agency is promulgating the definition of "general aviation rework facility" as proposed (with the addition of the words "general aviation" in the definition to describe the types of aerospace vehicles or components.)

B. Standards for Primers and Topcoats

The Agency proposed alternative emission limits for topcoat and primer applications on general aviation aircraft based on previous comments made by GA aerospace rework industry representatives. Seven commenters supported the alternative limits claiming that the alternative limits will "lift the restraints of the existing coating limitations." Furthermore, the commenters stated that the higher HAP/VOC limits are acceptable and encourage paint manufacturers to provide quality primers and topcoats

that give a quality finish acceptable to the owners and operators of the GA aircraft. One commenter noted that the higher HAP/VOC limits will have a minimal effect on the total emissions from a GA facility, but will have a dramatic effect on the final aircraft topcoat finish.

As noted by the Agency in the preamble to the proposed amendments of March 27, 1998, many GA rework facilities would be area sources emitting less than 10 tons per year (tons/yr) of any single HAP, and less than 25 tons/yr of combined HAP. Nevertheless, GA rework facilities do exist which are major sources. The Agency finds that the coating (primer and topcoat) application operations are different for GA rework facilities than those for commercial and military facilities due to the variability in the types of coatings used and types of aircraft serviced. Accordingly, the Agency decided to subcategorize GA rework facilities and determined a separate MACT floor for primer and topcoat application conducted at such facilities. The data from the GA rework facilities in the Agency's data base resulted in the MACT floor represented by the best five facilities having an overall facility weighted average HAP and VOC content of 540 grams per liter (g/L) [4.5 pounds per gallon (lb/gal)] for both primers and topcoats.

Most, if not all, of the GA rework facilities that will have to comply with the NESHAP limits are competing for business with facilities that are nonmajor (area) sources. The NESHAP does not impact area sources and allows them to continue their current painting and depainting operations to meet customer requirements and expectations. The Agency developed a separate MACT floor for GA rework facility painting operations because of the differences between GA and commercial/military facilities involving the number and variety of coatings used, and customer requirements. Rework operations for commercial and military aircraft are primarily a captive market within their own market segments. These operations are more likely to involve "standardized" coating schemes (e.g., military specifications or individual airline colors/design) and are conducted on a "routine" basis compared to the GA rework operations. Commercial paint systems are designed to last 5 to 7 years and because of the additional weight/cost impacts are intentionally made as thin (e.g., 3 to 5 mils) as possible while still meeting the quality requirements. The GA industry is typically more concerned with the final finish of the coating system and

with corporate aircraft, a typical coating thickness of 6 to 18 mils may be needed to obtain the required gloss and texture. The Agency decided to set MACT at the floor because of the potential business impacts that could put the major source GA facilities at a competitive disadvantage with nonmajor and foreign GA facilities. The Agency is therefore finalizing the MACT floor limits for primer and topcoat application for GA rework facilities in § 63.745(c)(1) through (c)(4). The HAP limits for both primers and topcoats (including self-priming topcoats) are equivalent: less than or equal to 540 g/L (4.5 lb/gal) of coating (less water) as applied. The VOC limits for both primers and topcoats are also equivalent: less than or equal to 540 g/L (4.5 lb/gal) of coating (less water and exempt solvents) as applied.

Another group of commenters agreed with the increased HAP/VOC limits for GA rework facilities but also suggested that these limits be extended to GA manufacturers as well. The commenters argued that manufacturers have the same need for high quality finish and may be put at a competitive disadvantage without the benefit of the higher limits. In reviewing these comments, the Agency was not compelled by any technical arguments or justifications to extend the alternative primer and topcoat limits beyond what was proposed for GA rework facilities.

In comparing GA manufacturing and GA rework painting operations, the Agency found that manufacturing facilities typically deal with fewer types of coatings and fewer types of aircraft. One of the commenters stated there are less than 10 GA manufacturers in total and some of those will qualify as area sources. Each manufacturer produces a limited subset of the planes on the market. The GA manufacturers generally perform rework only on planes that they manufacture; GA rework facilities, in contrast, may work on planes from a variety of manufacturers. Thus, unlike GA rework facilities, GA manufacturing facilities have fairly predictable coating needs. This allows them to be more proficient in coating application and minimizes the variability of coating-related issues in their day-to-day operations. Because of these factors, GA manufacturers are better able than GA rework facilities to comply with the coating limits in the NESHAP as originally promulgated. Therefore, the Agency does not agree that the alternative coating limits for GA rework facilities will create an unfair business advantage/climate between GA rework and manufacturing operations. In fact, the data collected from the GA manufacturers during the past 2 years

indicated that some sources that will be subject to the NESHAP coating limits are already using compliant coatings exclusively as part of their coating operations.

C. Clarification of Relationship Between NESHAP and Federal Aviation Administration (FAA) Regulations

Several commenters raised the issue of potentially conflicting requirements between EPA and FAA regulations. The commenters suggested that chemicals containing HAP that are required to be used by an FAA Airworthiness Directive (AD) should be exempted from the NESHAP requirements. Some of the commenters stated that the long-term impact of alternative chemical usage on various aircraft structures is not consistent across various products and manufacturers. The EPA has continued to work closely with the FAA during the development of the final NESHAP and the amendments to the NESHAP for the aerospace manufacturing and rework source category. Both agencies recognize the importance of continuing airworthiness and the safety of the flying public as repair facilities modify their procedures to comply with the NESHAP. The EPA is committed to minimizing the impact on airworthiness while maximizing the reduction of HAP emissions under the NESHAP.

Since promulgation of the NESHAP on September 1, 1995, many of the aircraft manufacturers (principally those manufacturing transport category aircraft) have made the necessary revisions to their maintenance manuals to provide for non-HAP materials (chemical strippers) to be used for depainting. Those revisions have been FAA approved or will be submitted for FAA approval, when required. For the other manufacturers (principally General Aviation manufacturers), once the necessary information (revised/updated maintenance manuals, service bulletins, and/or advisory circulars) is approved by the FAA and is distributed to the regulated community, the potential regulatory conflict should be at a minimum, and aerospace rework facilities will be able to use various products to comply with most EPA and FAA requirements. The EPA and FAA have determined that the potential problems and issues raised by the commenters can be and, in many cases already have been, resolved through the procedures established in the existing regulations, and no further changes are needed to the NESHAP.

Because of the small numbers of aircraft affected and the considerable expense of testing alternative materials for use on antique aircraft (those over 30

years old), the March 27, 1998 amendments to the final rule (NESHAP) contain an exemption for the rework of these aircraft. For the same reason, these final amendments to the NESHAP extend that exemption to rework of aircraft and aircraft components whose manufacturers are out of business. There were no comments on this specific issue. Therefore, the EPA is exempting rework of aircraft whose manufacturers are out of business by adding the following to § 63.741(f):

These requirements do not apply to the rework of aircraft or aircraft components if the holder of the Federal Aviation Administration (FAA) design approval, or that holder's licensee, is not actively manufacturing the aircraft or aircraft components.

The FAA certifies that an aircraft, engine, propeller, or part design meets certain airworthiness requirements, and issues to the designer of that product a type certificate (TC), supplemental type certificate (STC), Technical Standard Order Authorization (TSOA), or Parts Manufacturer Approval (PMA). The procedures for issuing TC's, STC's, TSOA's, and PMA's are contained in FAA regulations at 14 CFR, part 21. The holder of one of these is a "design approval holder."

Should any manufacturers still in business not revise their maintenance instructions to allow use of NESHAP-compliant materials, the FAA has committed to issue an advisory circular publicizing the process by which repair facilities can request approval for alternatives. In addition, many existing Airworthiness Directives (AD's), issued under part 39 of Title 14 of the CFR, specify the use of HAP. (AD's are regulations addressing safety of flight, and compliance with them is mandatory.) However, most AD's contain a provision for requesting an alternative means of compliance. The FAA Notice N8100.13, "Alternative Means of Compliance (AMOC) for Airworthiness Directives that Require the Use of Volatile Organic Compounds and/or Hazardous Air Pollutants," (dated January 26, 1998), addresses the process by which repair stations, mechanics and operators can obtain alternative means of compliance for other AD's for the purpose of approving substitution of non-HAP materials.

D. Hand-Wipe Cleaning: Removal of References to Section 112(l) and Equivalent Volume Reduction Demonstration

Section 63.744(b)(3) of the amended NESHAP (requirements for hand-wipe cleaning) refers to requirements of section 112(l) of the Clean Air Act.

Based on comments received on the October 29, 1996 proposed amendments to the final rule, the Agency proposed to remove the references to section 112(l) of the Clean Air Act. Requiring submittal and approval of each individual alternative plan under section 112(l) is unwarranted and contrary to the intent of section 112(l). Since there were no comments on this issue, the final (amended) requirements of § 63.744(b)(3) no longer include the reference to "section 112(l) of the Act."

Similarly, there were no comments regarding § 63.744(b)(3) and the proposed new language on calculating the baseline volume (levels) of hand-wipe cleaning solvents used in cleaning operations. The requirement for demonstrating that the 60 percent volume reduction provides emission reductions equivalent to the solvent composition or vapor pressure compliance options was deleted. The Agency is finalizing the new language in § 63.744(b)(3) regarding approval of baseline levels.

E. Exemption for Cleaning of Automated Spray Equipment Nozzle Tips

The Agency proposed an exemption for cleaning of automated spray equipment nozzle tips because floor sources included in the development of the applicable requirements do not use any of the techniques in § 63.744(c) for cleaning of these devices. This exemption was based on similar language included in other State rules covering the aerospace industry (e.g., California Rule 1124) and was referenced by the original commenters.

One commenter agreed with the proposed exemption for owners or operators of aerospace cleaning operations from requirements for a closed container when cleaning the nozzle tips of automated spray equipment systems. The commenter states that, under the NESHAP language, owners or operators are forced to disassemble the equipment for cleaning, which is economically unreasonable. The Agency decided to finalize the amendment to § 63.744(c) as follows:

(5) Cleaning of the nozzle tips of automated spray equipment systems, except for robotic systems that can be programmed to spray into a closed container, shall be exempt from the requirements of paragraph (c) of this section.

F. Monitoring Parameters for Pumpless Waterwash Systems

The Agency proposed several amendatory revisions to the NESHAP (definitions, primer and topcoat application operations, monitoring

requirements, recordkeeping requirements, and reporting requirements) involving pumpless waterwash systems. Based on earlier comments, the Agency learned that there are at least two types of pumpless waterwash systems currently being used by aerospace facilities. While a conventional waterwash system uses a pump to transfer the water to the top of the water curtain, a pumpless waterwash system uses a centrifugal fan to lift the mixture of water and paint laden air (from the exhaust stream) up through a series of entrainment ducts (baffles) separating air from the paint particles and from water droplets. There is no readily identifiable operating parameter that is common to both types of systems. Therefore, the Agency decided to use the "generic" approach as suggested by one of the commenters to include language such as "monitor or measure and record a booth parameter recommended by the booth manufacturer."

In the proposed amendments, changes to several sections of the final rule were proposed to allow pumpless waterwash systems to be used for controlling particulate emissions from painting and depainting operations. The Agency also specified that the parameter(s) to be monitored on such systems are to be recommended by the booth operator (i.e., manometer or air gap). Since waterwash systems were included as part of the MACT floor requirements for controlling inorganic HAP emissions in the promulgated rule, this is not a technical change to the standard, but a clarification of the discussion of pumpless systems and the associated monitoring requirements.

The only commenter that commented on this issue supported the proposed amendments involving the monitoring requirements for pumpless waterwash particulate control systems. The commenter stated that it would be impossible for pumpless waterwash systems to comply with the monitoring requirements as originally promulgated. The commenter fully supported EPA's efforts to address the unique challenges presented by pumpless waterwash systems. The Agency is therefore finalizing the changes associated with pumpless waterwash systems in: §§ 63.742 (definition of "waterwash system"); 63.745(g)(2)(v); 63.751(c)(2); 63.751(d); 63.752(d)(2) and (3); 63.752(e)(7); 63.753(c)(1)(vi); and 63.753(d)(1)(vii).

G. Exclusion of Charged Media Certification Using Test Method 319

In regard to the proposed exclusion of charged media from certification under

Test Method 319, two commenters concurred with the proposed exclusion, two commenters opposed the exclusion, and one commenter suggested the Agency re-visit the issue and consider adding a new mechanism within Method 319 to evaluate paint arrestor performance after loading (and over a given time period).

The Agency has decided that the proposed amendment to exclude electrostatically-charged filter media from Method 319 testing (based on the possibility that their efficiency in use will drop below that measured in Method 319 testing) will not be promulgated based on the fact that there are insufficient data at this time to warrant this exclusion. No data were submitted illustrating that electrostatically charged filter media will actually drop in efficiency during use in aerospace painting and depainting facilities. Furthermore, no data were submitted showing that, even if such drops in efficiency do occur, similar drops would not also occur in uncharged media (i.e., the drop in efficiency may not be solely due to a loss of electrostatic enhancement but may also be due to other physical changes in the media, which occur over time). The Agency recognizes that this is an area of current, active, and ongoing research. The Agency is also aware of studies conducted on electrostatically-charged filters used in general ventilation that do, for some charged-fiber filters under certain operating/exposure conditions, show drops in efficiency for electrostatically-charged media. However, the relevance of these findings to arrestors used in aerospace painting and depainting facilities is uncertain and is, therefore, insufficient to exclude, as a category of arrestors, electrostatically-charged media from Method 319 testing.

Two commenters suggested expanding Method 319 to include not only the initial efficiency, but also one or more steps of paint loading followed by a repeated filtration efficiency measurement after each step; by doing so, changes in electrostatically charged filtration efficiencies, if present, would be measured. One of the commenters recommended that Method 319 be expanded to include standard dust loading efficiency tests, or an additional fractional efficiency test using actual paint. These type of tests would need to account for the replacement frequency of the various stages in a multi-stage system, and load the filter with representative paint oversprays, as well as depainting-generated aerosols and ambient aerosols which may be drawn into a spray booth, perhaps with some

level of prefiltration. There are no standardized methods that adequately address these issues relative to conditioning or aerosol-loading of multi-staged arrestors for the purposes of quantifying potential changes in fractional efficiency with use. In light of the Aerospace NESHAP compliance date of September 1, 1998, it is beyond the scope of this project at this time to continue modifications to Method 319. Thus, use of Method 319, as stated in the final amendments to the aerospace rule published in the **Federal Register** on March 27, 1998 is retained.

H. Technical and Miscellaneous Corrections

The following amendments are corrections that were not part of the March 27, 1998 proposal. These changes are being made as part of today's action as a matter of efficiency in rulemaking. Furthermore, these changes are noncontroversial and correct errors in the rule or clarify the Agency's intention. By promulgating these corrections directly as a final rule, the EPA is foregoing an opportunity for public comment on a notice of proposed rulemaking. Section 553(b) of title V of the United States Code and section 307(d) of the CAA permit an agency to forego notice and comment when "the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest." The EPA finds that notice and comment regarding these corrections are unnecessary due to their noncontroversial nature. The EPA finds that this constitutes good cause under 5 U.S.C. § 553(b) for a determination that the issuance of a notice of proposed rulemaking is unnecessary.

1. Correction of § 63.741(i)

The listing of exempted requirements in § 63.741(i) for compliant waterborne coatings should read "* * * 63.750(k)-(n), * * *" instead of "* * * 63.750(k)-(m), * * *" as published in the March 27, 1998 final amendments.

2. Clarification of Antique Aerospace Vehicle Exemption

The final amendments published in the **Federal Register** on March 27, 1998 included new language in § 63.741(j) exempting antique aerospace vehicles or components from the requirements of the rule. Clarifying language is being added stating that regulated activities associated with antique aerospace vehicles or components are exempt from the NESHAP requirements.

3. Clarification of the Composition Requirements for Approved Cleaning Solvents in Table 1 of § 63.744

The composition requirements for hydrocarbon-based cleaning solvents in Table 1 of § 63.744 were clarified to state "* * * composed of photochemically reactive hydrocarbons and/or oxygenated hydrocarbons * * *" instead of "* * * composed of photochemically reactive hydrocarbons and oxygenated hydrocarbons * * *". Table 1 was not properly designated in the final amendments published in the **Federal Register** on March 27, 1998. Today's final amendments also include proper designation of Table 1 of § 63.744.

4. Clarification of Inorganic HAP Requirements in § 63.746

Several questions have been raised regarding the applicability of the alternative inorganic HAP emission requirements (added to § 63.745(g)(2)(iii) in the March 27, 1998 final amendments) to the depainting requirements in § 63.746. As noted in the preamble discussion of the October 29, 1996 proposed amendments (61 FR 55842), the Agency intended to make the alternative inorganic HAP requirements applicable to both painting and depainting operations because both types of operations are often conducted in the same spray booth or controlled area.

The preamble language was very specific (see 61 FR 55850) to address this unique situation and stated "* * * the Agency has provided these owners and operators of aerospace manufacturing or rework operations who have commenced construction or reconstruction of new spray booth or hanger for depainting operations, primer or topcoat operations, in which any of the coatings contain inorganic HAP's, prior to October 29, 1996 the flexibility to meet either the requirements of the promulgated regulation or the proposed amendments to the final regulation * * *" [61 FR 55850 (October 29, 1996)]. When those amendments were finalized [63 FR 15006 (March 27, 1998)], only the language in § 63.745 (primer and topcoat application operations) was changed. As part of today's final amendments, language was added in § 63.746(b)(4)(ii)(C) to clarify that owners or operators of new sources that commenced construction or reconstruction after June 6, 1994 but prior to October 29, 1996 may comply with the particulate (e.g., inorganic HAP) control requirements that were proposed on June 6, 1994.

5. Correction of Equation To Determine the Composite Vapor Pressure in § 63.750(b)(2)

In the March 27, 1998 final amendments, a summation sign was added in front of the second term of the denominator (involving " W_e ") of the equation used to determine the composite vapor pressure of hand-wipe cleaning solvents. The summation sign should be in front of the second term, instead of being placed with the numerator of the second term as published in the **Federal Register**.

6. Correction of Emission Reduction Equation in § 63.750(I)(2)(iv)

The term " E_3 " should be " E_a ."

7. Clarification of Monitoring Requirements in § 63.751(b)(6)(iii)(D)

Additional language was added to the alternative monitoring requirements for nonregenerative carbon adsorbers in § 63.751(b)(6)(iii)(D) to resolve the alternative/overlapping monitoring requirements. As a result, § 63.751(b)(6)(iv) is being redesignated (e.g., renumbered) as § 63.751(b)(6)(v). The new language states that the owner or operator may monitor the VOC or HAP concentration of the adsorber exhaust daily, or at intervals no greater than 20 percent of the design carbon replacement interval, whichever is greater, or at a frequency determined by the owner or operator and approved by the Administrator. Clarifying language was also added in the new § 63.751(b)(6)(iv) involving a site-specific operating parameter for the carbon replacement time interval.

8. Correction of Equation to Determine the 100 Percent Penetration Value (P_{100}) in Method 319 of Appendix A to Part 63—Test Methods

The symbol for sigma " ρ " was incorrectly printed as " σ " in the explanation of the terms used in the P_{100} equation in Method 319. The language should read:

ρ = sample standard deviation
CV = coefficient of variation = ρ/mean .

III. Control Techniques Guidelines

Notice of final issuance of the control techniques guidelines (CTG) for coating operations at aerospace manufacturing and rework operations was published in the **Federal Register** on March 27, 1998. There was no mention of the relevant "effective dates" for States to use in developing their VOC rules. The following language is provided to clarify the adoption and implementation dates for the coating category VOC limits, application techniques, and equipment

requirements identified as reasonably available control technology (RACT) in the CTG.

The CTG for control of VOC emissions from coating operations in the aerospace industry is available to assist States in analyzing and determining RACT for aerospace manufacturing and rework operations located within ozone national ambient air quality standards nonattainment areas. Any State with a moderate or above nonattainment area that has not adopted a RACT regulation for the source category addressed by the aerospace CTG must submit a RACT regulation for these sources not later than March 27, 1999. For any State with a moderate or above nonattainment area that has adopted a RACT regulation for the source category addressed by the aerospace CTG, Section 182(b)(2) of the Clean Air Act (CAA) requires these States to submit a revision to the applicable implementation plan, to include provisions consistent with the CTG. This revision shall be submitted to the EPA not later than March 27, 1999. Furthermore, as specified in the CTG, the RACT regulations must require sources to implement the required limitations and work practices not later than September 1, 1999.

IV. Administrative Requirements

A. Docket

The docket is an organized and complete file of all of the information submitted to or otherwise considered by the EPA in the development of this rulemaking. The docket is a dynamic file, since material is added throughout the rulemaking development. The docketing system is intended to allow members of the public and the industries involved to readily identify and locate documents so that they can effectively participate in the rulemaking process. Along with the statement of basis and purpose of the proposed and promulgated standards and the EPA responses to significant comments, the content of the docket will serve as the record in case of judicial review (except for interagency review materials) (§ 307(d)(7)(A) of the Act).

B. Paperwork Reduction Act

The amendments do not impose any new information collection requirements and result in no change to the currently approved collection. The Office of Management and Budget (OMB) has approved the information collection requirements contained in the NESHAP for aerospace manufacturing and rework facilities under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, and has

assigned OMB control number 2060-0314. (EPA ICR No. 1687.03).

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

Today's amendments should have no impact on the information collection burden estimates made previously. Today's action does not impose any additional information collection requirements. Consequently, the ICR has not been revised for purposes of today's action.

C. Executive Order 12866

Under Executive Order (E.O.) 12866 (58 FR 51735 [October 4, 1993]), the EPA is required to determine whether a regulation is "significant" and therefore subject to OMB review and the requirements of this E.O. The E.O. defines "significant regulatory action" as one that is likely to result in a rule that may (1) have an annual effect on the economy of \$100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the E.O.

Pursuant to the terms of Executive Order 12866, it has been determined that this action is not a "significant

regulatory action" within the meaning of the E.O.

D. Executive Order 12875: Enhancing Intergovernmental Partnerships

Under Executive Order 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates. Today's rule does not create a mandate on State, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

E. Executive Order 13084: Consultation and Coordination With Indian Tribal Governments

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that

significantly or uniquely affect their communities." Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

F. Executive Order 13045

Executive Order 13045 applies to any rule that EPA determines: (1) "economically significant" as defined under Executive Order 12866, and (2) the environmental health or safety risk addressed by the rule has a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This final rule is not subject to Executive Order 13045, entitled "Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), because it does not involve decisions on environmental health risks or safety risks that may disproportionately affect children.

G. Regulatory Flexibility Act

The EPA has determined that it is not necessary to prepare a regulatory flexibility analysis in connection with this final rule. The EPA has also determined that this rule will not have a significant impact on a substantial number of small entities. These final rule amendments will not have a significant impact on a substantial number of small entities because the overall impact of these amendments is a net decrease in requirements on all entities including small entities.

H. Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act") (signed into law on March 22, 1995) requires that the Agency prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in expenditure by State, local, and Tribal governments, in aggregate, or by the private sector, of \$100 million or more in any 1 year. Section 203 requires the Agency to establish a plan for obtaining input from and informing, educating, and advising any small governments that may be significantly or uniquely affected by a proposed intergovernmental mandate. Section 204 requires the Agency to

develop a process to allow elected State, local, and Tribal government officials to provide input in the development of any proposal containing a significant Federal intergovernmental mandate.

Under section 205 of the Unfunded Mandates Act, the Agency must identify and consider a reasonable number of regulatory alternatives before promulgating a rule for which a budgetary impact statement must be prepared. The Agency must select from those alternatives the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule, unless the Agency explains why this alternative is not selected or the selection of this alternative is inconsistent with law. The EPA has determined that these amendments do not include a Federal mandate that may result in expenditure by State, local, and Tribal governments, in aggregate, or by the private sector, of \$100 million or more in any 1 year. Small governments will not be uniquely impacted by these amendments. Therefore, the requirements of the Unfunded Mandates Act do not apply to this action.

I. Submission to Congress and the General Accounting Office

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to the publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2). This rule will be effective September 1, 1998.

J. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Pub. L. No. 104-113, § 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., material specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to

provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This action does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Hazardous substances, Reporting and recordkeeping requirements.

Dated: August 25, 1998.

Carol M. Browner,
Administrator.

For reasons set out in the preamble, part 63 of title 40, chapter I, of the Code of Federal Regulations is amended as follows:

PART 63—[AMENDED]

1. The authority citation for part 63 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart GG—[Amended]

2. In § 63.741 paragraph (f) is amended by adding a new sentence after the second sentence and revising the first sentence of paragraph (i) and paragraph (j) to read as follows:

§ 63.741 Applicability and designation of affected sources.

* * * * *

(f) * * * These requirements do not apply to the rework of aircraft or aircraft components if the holder of the Federal Aviation Administration (FAA) design approval, or the holder's licensee, is not actively manufacturing the aircraft or aircraft components. * * *

* * * * *

(i) Any waterborne coating for which the manufacturer's supplied data demonstrate that organic HAP and VOC contents are less than or equal to the organic HAP and VOC content limits for its coating type, as specified in §§ 63.745(c) and 63.747(c), is exempt from the following requirements of this subpart: §§ 63.745(d) and (e), 63.747(d) and (e), 63.749(d) and (h), 63.750(c) through (h) and (k) through (n), 63.752(c) and (f), and 63.753(c) and (e). * * *

* * * * *

(j) Regulated activities associated with the rework of antique aerospace vehicles or components are exempt from the requirements of this subpart.

3. Section 63.742 is amended by revising the definition for "waterwash system" and adding in alphabetical order definitions for "general aviation"

and "general aviation rework facility" to read as follows:

§ 63.742 Definitions.

* * * * *

General aviation (GA) means that segment of civil aviation that encompasses all facets of aviation except air carriers, commuters, and military. General aviation includes charter and corporate-executive transportation, instruction, rental, aerial application, aerial observation, business, pleasure, and other special uses.

General aviation rework facility means any aerospace facility with the majority of its revenues resulting from the reconstruction, repair, maintenance, repainting, conversion, or alteration of

general aviation aerospace vehicles or components.

* * * * *

Waterwash system means a control system that utilizes flowing water (i.e., a conventional waterwash system) or a pumpless system to remove particulate emissions from the exhaust air stream in spray coating application or dry media blast depainting operations.

* * * * *

4. Section 63.744 is amended by removing the last sentence in paragraph (b)(3) and adding three sentences in its place, adding paragraph (c)(5), and revising Table 1 to read as follows:

§ 63.744 Standards: Cleaning operations.

* * * * *

(b) * * *

(3) * * * Demonstrate that the volume of hand-wipe cleaning solvents

used in cleaning operations has been reduced by at least 60 percent from a baseline adjusted for production. The baseline shall be calculated using data from 1996 and 1997, or as otherwise agreed upon by the Administrator or delegated State Authority. The baseline shall be approved by the Administrator or delegated State Authority and shall be included as part of the facility's title V or part 70 permit.

(c) * * *

(5) Cleaning of the nozzle tips of automated spray equipment systems, except for robotic systems that can be programmed to spray into a closed container, shall be exempt from the requirements of paragraph (c) of this section.

* * * * *

TABLE 1.—COMPOSITION REQUIREMENTS FOR APPROVED CLEANING SOLVENTS

Cleaning solvent type	Composition requirements
Aqueous	Cleaning solvents in which water is the primary ingredient (≥80 percent of cleaning solvent solution as applied must be water). Detergents, surfactants, and bioenzyme mixtures and nutrients may be combined with the water along with a variety of additives, such as organic solvents (e.g., high boiling point alcohols), builders, saponifiers, inhibitors, emulsifiers, pH buffers, and antifoaming agents. Aqueous solutions must have a flash point greater than 93° C (200° F) (as reported by the manufacturer), and the solution must be miscible with water.
Hydrocarbon-based	Cleaners that are composed of photochemically reactive hydrocarbons and/or oxygenated hydrocarbons and have a maximum vapor pressure of 7 mm Hg at 20° C (3.75 in. H ₂ O and 68° F). These cleaners also contain no HAP.

5. Section 63.745 is amended by revising paragraphs (c)(1), (c)(2), (c)(3), (c)(4), and (g)(2)(v) to read as follows:

§ 63.745 Standards: Primer and topcoat application operations.

* * * * *

(c) * * *

(1) Organic HAP emissions from primers shall be limited to an organic HAP content level of no more than: 350 g/L (2.9 lb/gal) of primer (less water) as applied or 540 g/L (4.5 lb/gal) of primer (less water) as applied for general aviation rework facilities.

(2) VOC emissions from primers shall be limited to a VOC content level of no more than: 350 g/L (2.9 lb/gal) of primer (less water and exempt solvents) as applied or 540 g/L (4.5 lb/gal) of primer (less water and exempt solvents) as applied for general aviation rework facilities.

(3) Organic HAP emissions from topcoats shall be limited to an organic HAP content level of no more than: 420 g/L (3.5 lb/gal) of coating (less water) as applied or 540 g/L (4.5 lb/gal) of coating (less water) as applied for general aviation rework facilities. Organic HAP emissions from self-priming topcoats shall be limited to an organic HAP

content level of no more than: 420 g/L (3.5 lb/gal) of self-priming topcoat (less water) as applied or 540 g/L (4.5 lb/gal) of self-priming topcoat (less water) as applied for general aviation rework facilities.

(4) VOC emissions from topcoats shall be limited to a VOC content level of no more than: 420 g/L (3.5 lb/gal) of coating (less water and exempt solvents) as applied or 540 g/L (4.5 lb/gal) of coating (less water and exempt solvents) as applied for general aviation rework facilities. VOC emissions from self-priming topcoats shall be limited to a VOC content level of no more than: 420 g/L (3.5 lb/gal) of self-priming topcoat (less water and exempt solvents) as applied or 540 g/L (4.5 lb/gal) of self-priming topcoat (less water) as applied for general aviation rework facilities.

* * * * *

(g) * * *

(2) * * *

(v) If a conventional waterwash system is used, continuously monitor the water flow rate and read and record the water flow rate once per shift. If a pumpless system is used, continuously monitor the booth parameter(s) that indicate performance of the booth per

the manufacturer's recommendations to maintain the booth within the acceptable operating efficiency range and read and record the parameters once per shift.

* * * * *

6. Section 63.746 is amended by adding paragraph (b)(4)(ii)(C) to read as follows:

§ 63.746 Standards: Depainting operations.

* * * * *

(b) * * *

(4) * * *

(ii) * * *

(c) Owners or operators of new sources that have commenced construction or reconstruction after June 6, 1994 but prior to October 29, 1996 may comply with the following requirements in lieu of the requirements in paragraph (b)(4)(ii)(B) of this section:

(1) Pass the air stream through either a two-stage dry particulate filter system or a waterwash system before exhausting it to the atmosphere.

(2) If the coating being removed contains chromium or cadmium, control shall consist of a HEPA filter system, three-stage filter system, or other control system equivalent to the three-stage

filter system as approved by the permitting agency.

* * * *

7. Section 63.750 is amended by revising the equation in paragraph (b)(2) and equation 19 in paragraph (i)(2)(iv) to read as follows:

$$PP_c = \sum_{i=1}^n \frac{(W_i)(VP_i)/MW_i}{\frac{W_w}{MW_w} + \sum_{e=1}^n \frac{W_e}{MW_e} + \sum_{i=1}^n \frac{W_i}{MW_i}}$$

* * * *

(i) * * *
(2) * * *

(iv) * * *

$$P = \frac{E_b - E_a}{E_b} \times 100 \quad \text{Eq. 19}$$

* * * *

8. Section 63.751 is amended by redesignating paragraph (b)(6)(iv) as (b)(6)(v) and revising paragraphs (b)(6)(iii)(D), (c)(2), (d), and adding a new paragraph (b)(6)(iv) to read as follows:

§ 63.751 Monitoring requirements.

* * * *

(b) * * *
(6) * * *
(iii) * * *

(D) If complying with § 63.745(d), § 63.746(c), or § 63.747(d) through the use of a nonregenerative carbon adsorber, in lieu of the requirements of paragraph (b)(6)(iii) (B) or (C) of this section, the owner or operator may monitor the VOC or HAP concentration of the adsorber exhaust daily, at intervals no greater than 20 percent of the design carbon replacement interval, whichever is greater, or at a frequency as determined by the owner or operator and approved by the Administrator.

(iv) Owners or operators complying with § 63.745(d), § 63.746(c), or § 63.747(d) through the use of a nonregenerative carbon adsorber and establishing a site-specific operating parameter for the carbon replacement time interval in accordance with paragraph (b)(2) shall replace the carbon in the carbon adsorber system with fresh carbon at the predetermined time interval as determined in the design evaluation.

* * * *

(c) * * *

(2) Each owner or operator using a conventional waterwash system to meet the requirements of § 63.745(g)(2) shall, while primer or topcoat application operations are occurring, continuously monitor the water flow rate through the system and read and record the water

flow rate once per shift following the recordkeeping requirements of § 63.752(d). Each owner or operator using a pumpless waterwash system to meet the requirements of § 63.745(g)(2) shall, while primer and topcoat application operations are occurring, measure and record the parameter(s) recommended by the booth manufacturer that indicate booth performance once per shift, following the recordkeeping requirements of § 63.752(d).

(d) *Particulate filters and waterwash booths—depainting operations.* Each owner or operator using a dry particulate filter or a conventional waterwash system in accordance with the requirements of § 63.746(b)(4) shall, while depainting operations are occurring, continuously monitor the pressure drop across the particulate filters or the water flow rate through the conventional waterwash system and read and record the pressure drop or the water flow rate once per shift following the recordkeeping requirements of § 63.752(e). Each owner or operator using a pumpless waterwash system to meet the requirements of § 63.746(b)(4) shall, while depainting operations are occurring, measure and record the parameter(s) recommended by the booth manufacturer that indicate booth performance once per shift, following the recordkeeping requirements of § 63.752(e).

* * * *

9. Section 63.752 is amended by revising paragraphs (c)(2) introductory text, (d)(2), (d)(3), and (e)(7) to read as follows:

§ 63.752 Recordkeeping requirements.

* * * *

(c) * * *

§ 63.750 Test methods and procedures.

* * * *

(b) * * *
(2) * * *

(2) For uncontrolled primers and topcoats that meet the organic HAP and VOC content limits in § 63.745(c)(1) through (c)(4) without averaging:

* * * *

(d) * * *

(2) Each owner or operator complying with § 63.745(g) through the use of a conventional waterwash system shall record the water flow rate through the operating system once each shift during which coating operations occur. Each owner or operator complying with § 63.745(g) through the use of a pumpless waterwash system shall record the parameter(s) recommended by the booth manufacturer that indicate the performance of the booth once each shift during which coating operations occur.

(3) This log shall include the acceptable limit(s) of pressure drop, water flow rate, or for the pumpless waterwash booth, the booth manufacturer recommended parameter(s) that indicate the booth performance, as applicable, as specified by the filter or booth manufacturer or in locally prepared operating procedures.

* * * *

(e) * * *

(7) *Inorganic HAP emissions.* Each owner or operator shall record the actual pressure drop across the particulate filters or the visual continuity of the water curtain and water flow rate for conventional waterwash systems once each shift in which the depainting process is in operation. For pumpless waterwash systems, the owner or operator shall record the parameter(s) recommended by the booth manufacturer that indicate the performance of the booth once per shift in which the depainting process is in operation. This log shall include the acceptable limit(s) of the pressure drop

as specified by the filter manufacturer, the visual continuity of the water curtain and the water flow rate for conventional waterwash systems, or the recommended parameter(s) that indicate the booth performance for pumpless systems as specified by the booth manufacturer or in locally prepared operating procedures.

* * * * *

10. Section 63.753 is amended by revising paragraphs (c)(1)(vi) and (d)(1)(vii) to read as follows:

§ 63.753 Reporting requirements.

* * * * *

(c) * * *

(1) * * *

(vi) All times when a primer or topcoat application operation was not immediately shut down when the pressure drop across a dry particulate

filter or HEPA filter system, the water flow rate through a conventional waterwash system, or the recommended parameter(s) that indicate the booth performance for pumpless systems, as appropriate, was outside the limit(s) specified by the filter or booth manufacturer or in locally prepared operating procedures;

* * * * *

(d) * * *

(1) * * *

(vii) All periods where a nonchemical repainting operation subject to § 63.746(b)(2) and (b)(4) for the control of inorganic HAP emissions was not immediately shut down when the pressure drop, water flow rate, or recommended booth parameter(s) was outside the limit(s) specified by the

filter or booth manufacturer or in locally prepared operational procedures;

* * * * *

11. In appendix A to part 63, Method 319 is amended by revising the equation terms “ ρ ” and “CV” in section 12.2.1 to read as follows:

Appendix A to Part 63—Test Methods

* * * * *

Method 319: DETERMINATION OF FILTRATION EFFICIENCY FOR PAINT OVERSPRAY ARRESTORS

* * * * *

12.0 * * *

12.2 * * *

12.2.1 * * *

ρ = sample standard deviation

CV = coefficient of variation = ρ/mean

* * * * *

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