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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 5, 2006

Dear Surface Coater,

Do you apply surface coatings to metal parts or metal products? If so, you may be affected by a rule that was adopted by the US Environmental Protection Agency (EPA) – please read on for important details that require your quick attention.

The EPA develops environmental rules that apply to various types of industries, and one particular rule affects surface coaters of metal parts. This rule is found in the Code of Federal Regulations, under 40 CFR Part 63 Subpart MMMM - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Miscellaneous Metal Parts and Products. The compliance deadline for this rule is **January 2, 2007**, and there may be requirements you must meet by this date.

To determine how this rule affects your business, please review these questions:

1. Does your facility use 250 gallons per year or more of coatings containing hazardous air pollutants (HAPs)?
    - A list of HAPs can be found at: www.epa.gov/ttn/atw/orig189.html
2. Are you considered to be a "major source?"
    - A "major source" has the potential to emit 10 tons per year (tpy) or more of a single HAP or 25 tpy or more of a combination of HAPs.
    - Your "potential to emit" is the total amount of air contaminants that would be emitted if you could operate 24 hours a day for 365 days per year.

If you answered "yes" to both of the above questions, then you must comply with this rule's requirements. Your compliance deadline is dependent on when your business first began operating (see table on back side).

If you answered "yes" to the first question and "no" to the second question, then you must certify that your emissions will not exceed the 10/25 tpy threshold when calculating potential to emit (i.e. that you are not a major source). This certification must be completed by your compliance deadline (see table on back side). Please note that if you fail to certify your emissions to a level below the 10/25 tpy threshold by your compliance deadline, then you must comply with the rule requirements even if you are not a major source.

If you answered "no" to both questions, then you are not required to take any actions in response to this rule.

Compliance Deadlines

If your initial start up date was:	Then you are this type of source:	And your compliance deadline is:
On or before August 13, 2002	Existing Source	**January 2, 2007**
After August 13, 2002	New Source	January 2, 2004, or your initial start up date, whichever is later

How to Certify Your Emissions

If you are not a major source and you wish to avoid the compliance requirements of this rule, you must certify that your emissions will not exceed the 10/25 tpy threshold when calculating potential to emit (remember, this is based on constant operation – 24 hrs/day, 365 days/yr). *This certification is federally enforceable*. You can certify your emissions in the following ways:

- If you operate under a permit by rule (formerly called a "standard exemption"), you must complete a PI-7-CERT or APD-CERT form before January 2, 2007.

- If you operate under an air permit, you must request and obtain either a permit alteration or a permit amendment before January 2, 2007. Your assigned air permit engineer will help you determine whether an alteration or an amendment is needed.

How to Comply with the Subpart MMMM Rule

If you cannot certify your emissions below the 10/25 tpy threshold for potential to emit, *or* if your compliance deadline has already passed, you must comply with the rule. You can do so by:
1) using coatings with HAP emissions limits listed in the rule, or
2) meeting an emission rate below that established in the rule, when calculated on a 12-month rolling average. Please visit this EPA web site to access the rule and read more details: www.epa.gov/ttn/atw/misc/miscpg.html.

For questions about this rule, how to certify your emissions, or how to meet the rule requirements, you may contact the TCEQ Air Permits Division at 512-239-1250.

Sincerely,

Brian J. Christian, Manager
Small Business and Local Government Assistance Section
Small Business and Environmental Assistance Division
Texas Commission on Environmental Quality

The Small Business and Local Government Assistance Section of the TCEQ works with industry groups to help them comply with new and existing environmental rules.
You have received this letter to inform you of a rule that may affect your business.

cc: Eddie Mack, APD