

From: Danesh, Paymon
Sent: Wednesday, November 30, 2022 4:33 PM
To: Amy Wright
Cc: Hopkins, Michael; Hall, Andrew
Subject: 40 CFR 63 Subpart M MMMM Question

Ms. Wright,

EPA has reviewed your emailed inquiry, dated October 26, 2022, and follow up question dated November 21, 2022. The initial inquiry concerns how to apply an applicability threshold in the Miscellaneous Metal Parts (Subpart M MMMM) NESHAP. This response was prepared by the EPA Office of Air Quality Planning and Standards, Sector Policies and Programs Division, Minerals and Manufacturing Group, in consultation with the Office of Enforcement and Compliance Assurance and the Region 5 Air and Radiation Division.

The regulatory text that is the subject of the inquiry is as follows:

40 CFR §63.3881 Am I subject to this subpart?

(b) You are subject to this subpart if you own or operate a new, reconstructed, or existing affected source, as defined in §63.3882, that uses 946 liters (250 gallons (gal)) per year, or more, of coatings that contain hazardous air pollutants (HAP) in the surface coating of miscellaneous metal parts and products defined in paragraph (a) of this section; and that is a major source, is located at a major source, or is part of a major source of emissions of HAP. 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 any single HAP at a rate of 9.07 megagrams (Mg) (10 tons) or more per year or any combination of HAP at a rate of 22.68 Mg (25 tons) or more per year. You do not need to include coatings that meet the definition of non-HAP coating contained in §63.3981 in determining whether you use 946 liters (250 gal) per year, or more, of coatings in the surface coating of miscellaneous metal parts and products.

Your main question was: "**[I]f you have a HAP-coating, do you include a non-HAP thinner in the 250 gallons applicability threshold? Or, is Subpart M MMMM triggered when you use 250 gallons or more of the HAP-coating itself?**"

Provided your coating doesn't meet the §63.3981 definition of non-HAP coating, then any non-HAP thinner that has been added to the coating prior to its being applied is included in that coating's volume for applicability threshold purposes. That is to say, you would count the volumes of your coatings "as applied" in determining whether you use at least 946 liters (250 gal) of coatings.

Regarding your follow-on question: "**If the 250 gallons is determined as applied (with a non-HAP thinner) and not as received, is the HAP content (lbs HAP/gallon of solids) also then determined on an as applied basis?**"

You should nevertheless determine the organic HAP content for your coating "in the condition it is in when it is received from its manufacturer or supplier and prior to any alteration." See introductory paragraph of §63.3941 of Subpart M MMMM.

Please note that while this response may be informative, it is not binding and does not constitute final agency action. If you have any questions regarding this response, please feel free to contact me.

Thank you,

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