



Surface Coating Updates *Pre-hearing Presentation*

May 6, 2021 Board of Directors Meeting

Surface Coating

About 200 surface coating operations registered with the agency

Most specialize in the coatings of cabinets, manufactured products, and motor vehicles/motor vehicle components





Surface Coating Regulation Proposed Updates

Purpose: Provide regulatory relief for small operations; clarification updates complete process started with Phase 1 New Source Review updates in July 2020

Phase 1 & 2 Updates:
No new fees
No new requirements

- PHASE 1, New Source Review :
 - Registration: Divided surface coating operations into two categories motor vehicle and general, below threshold registration exemption
 - Permit: below threshold NOC exemption
 - Established a de minimis threshold of: Potential to Emit (PTE) is less than 100 lbs./yr. or PTE toxic air emissions does not exceed any Small Quantity Emission Rate (SQER) listed in Chapter 173-460 WAC.
- The de minimis applied as follows (becomes effective after surface coating regulation updates are completed under Phase 2):
 - Motor Vehicle - ALL motor vehicle facilities will continue to be required to register regardless of their emissions. Facilities with emissions below the de minimis level will no longer be required to file a Notice of Construction (NOC) permit.
 - General: For General surface coaters with emissions below the de minimis level, they will not be required to file a NOC permit and will no longer be required to register.



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- PHASE 2, Surface Coating Updates:
 - “Closing the loop” on what was done under Phase 1 by updating the surface coating regulation (Article VI, Section 6.13) because it still requires all surface coating facilities to have a paint booth/room.
 - Propose putting the same de minimis thresholds into the surface coating regulation low usage exemption, so that a booth is not required for sources that are below the de minimis thresholds for permitting.
 - Update exemptions subsection.
 - Clarify requirements to improve implementation and compliance by the regulated community.
 - Align the 25 year old regulation with the federal regulations the U.S. Environmental Protection Agency adopted in 2008; the local New Source Review updates the Agency adopted in July 2020.
 - Correct Section 6.13 citing in Article X, Section 10.08.



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Article and Section	Adopted Amendments
Section 6.13(A) Purpose	Clarification updates
Section 6.13(B) Applicability	Add "commercial" to clarify the regulation is applicable to commercial surface coating operations, therefore excluding non-commercial operations such as hobbyist
Section 6.13(C) Definitions	Add several new terms: commercial surface coating; general surface coating; motor vehicle/motor vehicle component surface coating; non-spray application; portable surface coating; potential to emit; spray application
Section 6.13(D) Prohibition on Emissions	Clarification updates
Section 6.13(E) Requirements	Clarification updates including: enclosure and control equipment properly operated and maintained according to manufacturer recommendations and operations manuals (required in Article IV); simplify clean up requirements; simplify record keeping requirements
Section 6.13(F) Exemptions	Add powder coating that does not exhaust outside to process exemption; update low usage exemption to be based on emissions (potential to emit below 100 lbs/yr and toxics below small quantity emission rate) and exempt from enclosure and control requirements; eliminate hobbyist exemption, add portable surface coating that complies with GOA to enclosure exemption; reorder exemptions list by like exemptions
Section 6.13(G) Compliance with Other Laws and Regulations	Clarification updates
Section 10.08 Miscellaneous Fees	Update citing of Section 6.13



Surface Coating Regulation Proposed Updates Outreach

Stakeholder outreach included:

- February 15: CAP Update newsletter article (538 mail, 493 emailed)
- April 4:
 - Legal notice in Spokesman Review (95,939 Sunday circulation)
 - Website notice with support materials (info sheet, overview of effects registered businesses, table summary)
- April 5:
 - Emails sent to regulatory update and business assistance list serve (1,020 contacts)
 - Emails sent to regulatory partners, Board of Directors and Advisory Council (33 emails)
 - Postcard mailed to registered surface coating sources (217 postcards)
- April 7: Published in the Washington State Register, publication #21-07-075
- May 2: Legal notice in Spokesman Review about 5/6/21 hearing
- May 6: Public hearing



Comments Received as of 4/28/21

Two comments received; themes include:

- Out of Scope – concern with air quality complaints
- Support

Questions Prior to Public Hearing

Remote Public Hearing on Proposed Amendments to Surface Coating Regulation

Resolution # 21-16
Article VI, Section 6.13 &
Article X, Section 10.08

- Remote hearing ground rules:
 - Respect the right of others to have an opinion, even if you do not agree.
 - Use respectful language. Demeaning and derogatory words are prohibited.
 - All participants are muted until it is their time to speak.
 - Participants will be invited to speak by the host.
- Testimony:
 - The host will invite the participant by name or phone number and unmute their line. The host will wait 10 seconds to give time for participant to respond. If no response, host will invite next participant.
 - State your name.
 - You will have 3 minutes to speak.
 - A timer will go off at the end of 3 minutes and the host will mute your line.
 - Testimony will be recorded, transcribed, and added to the rulemaking record.

Surface Coating Regulation Proposed Updates

Flow Chart if Proposed Surface Coating Updates are Adopted:

Shows registration, NOC and paint booth requirements after both rulemaking phases (**Phase 1 NSR** and **Phase 2 Surface Coating**) have been completed.

