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# NESHAP/Miscellaneous Coating Manufacturing: American Coatings Association Submits Comments on Proposed Technology Review/Standards of Performance

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The American Coatings Association (“ACA”) submitted comments to the United States Environmental Protection Agency (“EPA”) on the proposed amendments to the National Emission Standards for Hazardous Air Pollutants (“NESHAP”) for Miscellaneous Coating Manufacturing (“MCM”) facilities.

The proposed MCM NESHAP amendments are found at 87 Fed. Reg. 34614 (June 7, 2022).

EPA’s proposal constitutes the residual risk in technology review for MCM facilities and the standards of performance for this NESHAP source category.

Section 112 of the Clean Air Act establishes a two-stage regulatory process to address emissions of Hazardous Air Pollutants (“HAPs”) from stationary sources.

The first stage is required to identify categories of sources emitting one or more of the HAPs listed in Section 112 of the Clean Air Act. A technology-based HAP (i.e., a Maximum Achievable Control Technology [“MACT”] standard) is then issued for those sources.

Within eight years of setting the MACT standard the second stage is required to be undertaken. Two different analyses must be conducted. They include:

1. Technology review
2. Residual risk review

The technology review requires that EPA review the technology-based MACT standards and revise them as necessary (taking into account developments and practices, processes, and control technologies) but no less frequently than every eight years, pursuant to Section 112(d)(6) of the Clean Air Act.

As to the residual review, EPA is required to evaluate the risk to public health remaining after application of the technology-based standards and revise the standards, if necessary, to provide an ample margin of safety to protect public health or to prevent, taking into consideration cost, energy, safety, and other relevant factors, and adverse environmental effects.

The ACA describes itself as a voluntary, nonprofit trade association encompassing the paint and coatings industry which includes:

- Manufacturers
- Raw materials suppliers
- Distributors
- Technical professionals

ACA submitted comments on August 8th on the proposed MCM amendments.

In an August 22nd news release it described its comments, stating by way of background:

During the manufacturing process, with the addition of raw materials in powder form to paint mixing vessels, emissions of metal HAP in the form of PM emissions may occur and are typically collected and routed to a PM control device (i.e., baghouse, fabric filters, cartridge filters, or scrubbers).

The organization notes that the proposed amendments address what it describes as the currently unregulated metal Hazardous Air Pollutant emissions from the MCM category that would impose a MACT standard for emission sources of metal HAPs. Further, applicable sources would be required to comply continuously with the referenced standards during all operations that emit metal HAPs. However, ACA notes that this is not applicable to:

. . . pigments and other solids that are in paste, slurry, or liquid form.

ACA also indicates that the proposed amendments would provide:

- A mechanism for owners and operators to demonstrate that materials containing inorganic HAP metals below certain levels are not subject to the standards
- A definition for material containing metal HAP
- Monitoring, recordkeeping, and reporting requirements

ACA's comments provide the following recommendations/concerns:

- Allow three years to comply with the amendments for existing facilities that need to install PM control device or modify/replace an existing control device
- Erroneously states that "all facilities in the MCM category currently have PM controls in place"
- Fails to account facilities that may need to install new controls
- Method 5 testing is not feasible for vessels that are infrequently or rarely subject to MCM (for vessels for which PM emissions are routed to a control device operating only while the dry materials are being added to the vessel)
- Add design evaluations as an option in lieu of Method 5 testing
- Clarify that Subpart SS (which is referenced by the existing MCM NESHAP) does not apply to PM control devices

A copy of the ACA news release can be downloaded here and the Federal Register Notice [here](#).