

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 63**

[AD-FRL-5978-5]

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

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed amendments.

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

**DATES:** *Comments.* Comments on these proposed changes must be received on or before May 26, 1998.

**ADDRESSES:** *Comments.* Interested parties may submit written comments (in duplicate, if possible) on the proposed changes to the NESHAP to: Air and Radiation Docket and Information Center (6102), (LE-131), Attention, Docket No. A-92-20, U. S.

Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. Comments on the proposed changes to the NESHAP may also be submitted electronically by sending electronic mail (e-mail) to: a-and-r-docket@epamail.epa.gov.

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments will also be accepted on diskette in WordPerfect 5.1 (or 6.1) or ASCII file format. All comments in electronic form must be identified by the docket number A-92-20. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments may be filed online at many Federal Depository Libraries. *Docket.* Docket No. A-92-20, containing the proposed regulatory text and other materials related to this rulemaking used in developing the NESHAP, is available for public inspection and copying between 8:30 a.m. to noon, and from 1 and 3 p.m., Monday through Friday, at EPA's Air and Radiation Docket and Information Center, Waterside Mall, Room M-1500, 401 M Street, SW, Washington, DC 20460; telephone (202) 260-7548. A reasonable fee may be charged for copying. The docket for the NESHAP is available for public inspection and copying at the Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711.

An electronic version of documents from the Office of Air and Radiation (OAR) are 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 the proposed amendments to the final rule are located under the OAR Policy and Guidance Information Web site, "http://www.epa.gov/ttn/oarpg/", under the Recently Signed Rules section. If more information on the TTNWeb is needed, contact the Systems Operator at (919) 541-5384.

**FOR FURTHER INFORMATION CONTACT:** For information concerning the proposed 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.

**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) the amendments in a final rule published elsewhere in today's **Federal Register**.

The information presented below is organized as follows:

- I. Background
- II. Summary of and Rationale for Proposed Rule Changes
  - A. Definitions
  - B. Standards for Primers and Topcoats
  - C. Clarification of Relationship Between NESHAP and Federal Aviation Administration (FAA) Regulations
  - D. Hand-Wipe Cleaning: Removal of References to Section 112(l) and Equivalent Volume Reduction Demonstration
  - E. Exemption for Cleaning of Automated Spray Equipment Nozzle Tips
  - F. Monitoring Parameters for Pumpless Waterwash Systems
  - G. Exclusion of Charged Media Certification Using Test Method 319
- III. Administrative Requirements

- A. Docket
- B. Paperwork Reduction Act
- C. Executive Order 12866
- D. Regulatory Flexibility Act
- E. Unfunded Mandates Reform Act

**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 (60 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 appear in another part of today's **Federal Register**. This action proposes additional amendments to §§ 63.741, 63.742,

63.745, 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, topcoat and primer application operations, monitoring requirements, record-keeping 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 final rule (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 proposed changes to the final rule 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.

## II. Summary of and Rationale for Proposed Rule Changes

### A. Definitions

The EPA proposes adding the following definitions to § 63.742:

*General aviation (GA)* means the segment of the aerospace industry involving noncommercial and nonmilitary aircraft designed to carry 19 passengers or less. This definition is meant to include most smaller corporate jets and privately owned aircrafts.

*General aviation rework facility* means an aerospace facility with the majority of its revenues resulting from the reconstruction, repair, maintenance, repainting, conversion, or alteration of aerospace vehicles or components.

As discussed next (in paragraph II. B.), the Agency is proposing separate standards for primer and topcoat applications for GA rework facilities. Based on public comments received and information received by the Agency at industry roundtable meetings, the Agency believes that the proposed definition for GA will accurately describe the segment of the aerospace industry servicing those smaller aircraft for which the alternative primer and topcoat standards are intended.

### B. Standards for Primers and Topcoats

Based on information presented at a roundtable meeting held on March 13–14, 1996 and in public comments on the aerospace standard, the Agency has developed alternative emission limits for topcoat and primer applications on

general aviation aircraft. These limits were developed in light of the assertions made by GA aerospace rework industry representatives that the coatings applied to GA aircraft are significantly thicker (typically  $\geq 7$ mm) than coatings applied to most commercial aircraft (typically around 3mm). According to GA rework industry representatives, GA customers typically require thicker coatings (relative to commercial aircraft) to enhance the appearance of their aircraft. Furthermore, these industry representatives stated that the business climate for GA aircraft rework operations is such that if GA rework facilities located in the U.S. are unable to provide the customer-specified coatings (in terms of thickness and appearance), they will lose customers who would readily have their aircraft painted at other U.S. facilities not subject to the NESHAP requirements (i.e., nonmajor sources) or outside of the U.S., at facilities located in areas with nonexistent or less stringent air emissions standards.

The Agency also notes that, based on available information on this segment of the industry, 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. For these facilities the Agency finds that the coating (primer and topcoat) application operations are different for GA rework facilities than commercial and military facilities. Accordingly, the Agency proposes to subcategorize GA rework facilities and to determine a separate MACT floor for primer and topcoat application conducted at such facilities.

Based on the best information available to the Agency, there are less than 30 GA rework facilities that would be considered major sources of HAP emissions and therefore subject to the NESHAP requirements. Since there are less than 30 sources, the MACT floor for primer and topcoat (including self-priming topcoat) rework application to GA aircraft was based on the average of the best performing five sources found in the Agency's data base on GA sources. The data from the GA rework facilities in the Agency's data base were ranked according to the average HAP content of all coatings, weighted by annual usage volume. The best five facilities were identified as 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 minor (area) sources. The NESHAP does not impact minor sources and allows them to continue their current painting and repainting operations to meet customer requirements and expectations. The Agency is therefore proposing 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.

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

The EPA has worked closely with the FAA during the development of the final 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 FAA and the EPA are committed to minimizing the impact on airworthiness while maximizing the reduction of HAP emissions under the NESHAP.

In industry roundtable meetings subsequent to the promulgation date, commenters noted that there appeared to be conflicts between the NESHAP requirements and existing FAA regulations, which primarily affect the General Aviation segment of the industry. The EPA and FAA both recognize that there exists a potential for conflict involving regulations concerning the use of HAP-containing chemical strippers. The NESHAP does not allow HAP-containing chemical strippers (e.g., methylene chloride based strippers) to be used for repainting aircraft (except for spot stripping and decal removal), and some aircraft manufacturers' maintenance manuals specify that only certain materials (e.g., methylene chloride based strippers) may be used for repainting. The FAA regulations require that maintenance be performed in an FAA-acceptable manner, which normally requires the procedures in the manufacturer's manual be followed. If those procedures are not followed, aircraft airworthiness could be jeopardized.

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 will be eliminated, and aerospace rework facilities will be able to use various products to comply with most EPA and FAA requirements.

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 October 29, 1996 amendments to the final rule (NESHAP) contain an exemption for the rework of these aircraft. For the same reason, these proposed revisions to the NESHAP extend that exemption to rework of aircraft and aircraft components whose manufacturers are out of business.

Specifically, the EPA is proposing to exempt 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 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 TCs, STCs, TSOAs, and PMAs 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 a notice publicizing the process by which repair facilities can request approval for alternatives (currently a very time-consuming and resource-intensive process). 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.) An FAA notice will address the process by which repair stations, mechanics and operators can obtain alternative means of compliance for those AD's, for the purpose of approving substitution of non-HAP materials.

#### *D. Hand-Wipe Cleaning: Removal of References to Section 112(l) and Equipment 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 amendments to the final rule, the Agency is proposing 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). Therefore, the proposed requirements of § 63.744(b)(3) no longer include the reference to "section 112(l) of the Act."

There were additional comments regarding § 63.744(b)(3) and establishing a baseline volume of hand-wipe cleaning solvents used in cleaning operations. The commenters suggested deleting the requirement for demonstrating that the 60 percent volume reduction provides emission reductions equivalent to the solvent composition or vapor pressure compliance options. The Agency agrees that the equivalency demonstration is confusing and is proposing new language in § 63.744(b)(3) regarding approval of baseline levels.

#### *E. Exemption for Cleaning of Automated Spray Equipment Nozzle Tips*

Two commenters suggested that the Agency exempt owners or operators of aerospace cleaning operations from requirements for a closed container when cleaning the nozzle tips of automated spray equipment systems. As explained below, the Agency agrees with the commenters and is proposing an 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.

In proposing this exemption from cleaning requirements for the nozzle tips of automated spray equipment systems, the Agency agrees with the commenters that such an exemption was found necessary for at least one State air pollution prevention standard [South Coast Air Quality Management District (California) Rule 1171. Solvent

Cleaning Operations, last revised September 13, 1996]. The Agency notes that such automated spray equipment cannot be easily disassembled. Such nonrobotic spray equipment is typically constructed on a moving track to spray when a part is positioned in front of the spray gun, and to shut off when no part is sensed. These nonrobotic spray guns typically cannot be programmed to move away from the parts to spray cleaning solvent into some type of closed container. Cleaning of these spray guns without disassembly can only occur by manually spraying cleaning solvent from the spray gun into the open air of the booth.

#### *F. Monitoring Parameters for Pumpless Waterwash Systems*

Two commenters on the proposed amendments requested that the Agency address potential problems with the monitoring requirements for waterwash particulate control systems found in the final rule. Pumpless waterwash systems are considered to be part of the MACT floor involving waterwash particulate control systems but were overlooked in the regulatory text detailing the associated standards, monitoring, recordkeeping, and reporting requirements. The commenters specifically requested that the Agency incorporate monitoring requirements for pumpless waterwash systems. The Agency agrees with the commenters that clarifications to the monitoring requirements are needed in order to provide for the use of this control technology. The Agency was not aware of all the various types of systems involved with this control technology when the final standards were promulgated. The Agency is therefore proposing the following changes:

In § 63.742, revise the following definition:

*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.*

In § 63.745(g)(2)(v), modify the paragraph as follows:

(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) which 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.

In § 63.751(c)(2), modify the paragraph as follows:

(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 or topcoat applications operations are occurring, measure and record the parameter(s) recommended by the booth manufacturer which indicate booth performance once per shift, following the recordkeeping requirements of § 63.752(d).

In § 63.751(d), modify the paragraph as follows:

(d) 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 which indicate booth performance once per shift, following the recordkeeping requirements of § 63.752(e).

In § 63.752(d)(2), modify the paragraph as follows:

(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 which indicate the performance of the booth once each shift during which coating operations occur.

In § 63.752(d)(3), modify the paragraph as follows:

(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) which indicate the booth performance, as applicable, as specified by the filter or booth manufacturer or in locally prepared operating procedures.

In § 63.752(e)(7), modify the paragraph as follows:

(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 which 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 water flow rate for conventional waterwash systems, or the recommended parameter(s) which indicate the booth performance for pumpless systems as specified by the booth manufacturer or in locally prepared operating procedures.

In § 63.753(c)(1)(vi), modify the paragraph as follows:

(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) which 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;

In § 63.753(d)(1)(vii), modify the paragraph as follows:

(vii) All periods where a nonchemical depainting 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;

#### *G. Exclusion of Charged Media Certification Using Test Method 319*

One commenter questioned whether test Method 319 can be used to certify charged media (filters). Previous evaluations of charged-fiber media indicated nontypical filtration efficiency curves over short time periods because of the rapid accumulation of paint overspray. Based on this historical information and test data, the Agency is proposing to not allow arrestors composed of charged-fiber media to be certified by Method 319. The Agency specifically requests comment on this issue and performance data using Method 319 or other evaluation results using criteria that can be correlated to Method 319 (i.e., maintaining the key elements described in Section 6.1.2 of Method 319).

### **III. 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*

These proposed 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). A copy of the ICR may be obtained from Sandy Farmer, Regulatory Information Division; EPA; 401 M Street, S.W., (Mail Code 2137); Washington, D.C. 20460 or by calling (202) 260-2740.

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 proposed 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. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the Agency certifies that the rule will not have a significant economic impact on substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This proposed rule would 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. Therefore, I certify that this action will not have a significant economic impact on a substantial number of small entities.

E. 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.

Dated: March 10, 1998.

List of Subject in 40 CFR Part 63

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

Dated: March 10, 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 proposed to be 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 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 aircraft or aircraft components. \* \* \*

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 the segment of the aerospace industry involving noncommercial and nonmilitary aircraft designed to carry 19 passengers or less. (This definition is meant to include most smaller corporate jets and privately owned aircraft.)

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 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 revising the last sentence in paragraph (b)(3) and adding paragraph (c)(5) 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.

\* \* \* \* \*

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) which 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 63.751 is amended by revising paragraphs (c)(2) and (d) to read as follows:

**§ 63.751 Monitoring requirements.**

\* \* \* \* \*

(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 which 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 which indicate booth performance once per shift, following the recordkeeping requirements of § 63.752(e).

\* \* \* \* \*

7. 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) \* \* \*

(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 which 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) which 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 which 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) which indicate the booth performance for pumpless systems as specified by the booth manufacturer or in locally prepared operating procedures.

\* \* \* \* \*

8. 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) which 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 depainting 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;

\* \* \* \* \*

9. In Appendix A to part 63, Method 319 is amended by adding a new sentence to the end of section 1.1 to read as follows:

**Appendix A to Part 63—Test Methods**

\* \* \* \* \*

Method 319: Determination of Filtration Efficiency for Paint Overspray Arrestors

\* \* \* \* \*

1.0 \* \* \*

1.1 \* \* \* Due to the potential for paint overspray accumulation to decrease the filtration efficiency of charged-fiber media, arrestors composed of charged-fiber media shall not be tested by this method.

\* \* \* \* \*

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