

# memorandum

DATE: April 26, 2002

REPLY TO  
ATTN OF: Office of Environmental Policy and Guidance:Koss:6-7964

SUBJECT: Proposed Clean Air Act Rule Related to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Surface Coating of Metal Furniture, for Review and Comment

TO: Distribution

The purpose of this memorandum is to solicit comments from Department of Energy (DOE) program offices and field organizations on the Environmental Protection Agency's (EPA's) proposed rule, "National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture." The proposed regulations (67 *FR* 20205; April 24, 2002) are available at the Office of Environmental Policy and Guidance (EH-41) Home Page at: <http://www.eh.doe.gov/oepa/rules/67/67fr20205.pdf>. We are bringing this rulemaking to your attention because we believe that there are operations at DOE sites that potentially could be regulated by this rule.

The *Federal Register* notice proposes NESHAP for metal furniture surface coating operations that are a major source, or are located at a major source, or are part of a major source of hazardous air pollutant (HAP) emissions. The proposed source category definition includes facilities that apply coatings (e.g., paints, sealants, caulks; see definition of "coating" at §63.4980) to metal furniture or components of metal furniture. Applicability provisions for the proposed Subpart RRRR rule of 40 *CFR* Part 63 are found at §63.4881 and §63.4882. The proposal specifies several exemptions. The most important potential exemption for many DOE sites is probably the exception at §63.4881(c)(5), which excludes surface coating operations of metal furniture conducted for the purpose of repairing or maintaining metal furniture used by a facility and not for commerce, unless organic HAP emissions from the surface coating operations exceed the major HAP source thresholds. We have learned that Department of Defense (DoD) staff believe that DoD sites would be exempt from Subpart RRRR because their HAP emissions from metal furniture surface coating operations are probably less than the major source thresholds. Because all or nearly all DOE sites probably spray paint metal furniture occasionally for maintenance, and because a few DOE sites identified the metal furniture surface coating category as a source of HAP during a Department-wide HAP information collection study by EH-41 in the early 1990s, we recommend that DOE sites evaluate the applicability of the proposed regulations.

Please review the notice and submit any comments by June 10, 2002, to Mr. Emile Boulos of my staff ([emile.boulos@eh.doe.gov](mailto:emile.boulos@eh.doe.gov); telephone: 202-586-1306; fax: 202-586-0955). In developing comments, please indicate the specific page and section of the preamble of the *Federal Register* to which each comment pertains. Also, to assist us in our regulatory tracking activities, we ask that you notify Mr. Boulos if a DOE source under your responsibility is subject to these regulations. Questions or concerns regarding this memorandum should be directed to Mr. Boulos.

A handwritten signature in cursive script that reads "Andy Lawrence".

Andy Lawrence  
Director  
Office of Environmental Policy and Guidance