



STATE OF TENNESSEE  
**DEPARTMENT OF ENVIRONMENT AND CONSERVATION**  
OFFICE OF ENVIRONMENTAL ASSISTANCE  
SMALL BUSINESS ENVIRONMENTAL ASSISTANCE PROGRAM  
401 CHURCH STREET, 8<sup>TH</sup> FLOOR, L&C ANNEX  
NASHVILLE, TN 37243-1551

### **New Federal Rules**

National Emission Standards for Hazardous Air Pollutants (NESHAP)  
**Paints and Allied Products Manufacturing Operations at Area / Small Sources**  
40 CFR 63 CCCCCC

[This notification is **Not** for sources in Shelby, Davidson, Knox and Hamilton Counties-check with your local air program]

### **-IMPORTANT-**

**Affected sources must complete and submit an Initial Notification by June 1, 2010.**

A sample Notification is included in the packet for your use

Dear Owner or Operator,

On December 3, 2009, the U.S. Environmental Protection Agency published rules to reduce air toxics from Paints and Allied Products operations at area/small sources.

Paints and allied products are defined as any materials such as paints, inks, stains, varnishes, shellacs, putties, sealers, caulks, adhesives, or other coatings from raw materials that consist of a mixture of resins, pigments, solvents, and/or other additives. The products are intended to be applied to a substrate and are typically produced by physical means, such as blending and mixing as opposed to chemical synthesis means, such as reactions and distillation.

**Affected sources must submit an initial notification no later than June 1, 2010.** Sources have until 2012 to actually comply with the rule unless a new source. Compliance and submittal dates are listed below. A sample initial notification is enclosed that lists the needed information for the initial notification.

#### **Which Facilities Are Affected?**

- Area Sources of Hazardous Air Pollutants (HAPs): Sources that emit less than 10 tons annually of a single HAP or less than 25 tons annually of a combination of HAPs
- Area Source facilities that process, use, or generate materials containing:
  - benzene
  - methylene chloride
  - compounds of cadmium,
  - compounds of chromium,
  - compounds of lead, or
  - compounds of nickel

#### **An Affected Facility Does Not Include the Following:**

- Manufacture of products that do not leave a dried film of solid material on the substrate, such as thinners, paint removers, brush cleaners, and mold release agents
- Manufacture of electroplated and electroless metal films
- Manufacture of raw materials, such as resins, pigments, and solvents used in the production of paints and allied product
- Activities by end users of paints or allied products to ready those materials for application

## What Are My Compliance Dates?

- New Operations [started on or after June 1, 2009] (New)
  - Must be in compliance with the new rules by December 3, 2009 or **upon start-up**
  - Must submit an Initial **and** Notice of Compliance Notification - **No later than 180 days after initial start-up of the operations or June 1, 2010, whichever is later**
- Existing Operations [started before June 1, 2009]
  - Must submit an Initial Notification - **No later than June 1, 2010**
  - Must be in compliance **by December 3, 2012**
  - Must submit a Notice of Compliance on or before **June 3, 2013**

**Copies of the pertinent portions of the Rule are enclosed.** Please visit our Program's web site for more information: [http://www.tn.gov/environment/ea/sbeap/sbeap\\_paintman.shtml](http://www.tn.gov/environment/ea/sbeap/sbeap_paintman.shtml).

The Small Business Environmental Assistance Program (SBEAP) is notifying facilities potentially affected by this Rule. SBEAP is a government assistance Program without enforcement authority that provides free and confidential assistance to small businesses.

Please contact the Small Business Environmental Assistance Program to assist you in meeting these new requirements at 1-800-734-3619 or e-mail at [BGSBEAP@tn.gov](mailto:BGSBEAP@tn.gov).

Sincerely,

*Sharon Goodwin-Walker*

Sharon Goodwin-Walker  
Environmental Specialist