

March 31, 2008

Air and Radiation Docket
US Environmental Protection Agency
Mail Code: 6102T
1200 Pennsylvania Ave., NW.
Washington, DC, 20460

Attention: Docket ID No. EPA–HQ–OAR–2005–0084

Dear Sir or Madam

The National Steering Committee for the national network of state Small Business Environmental Assistance and Small Business Ombudsman Programs thank you for the opportunity to comment on the proposed National Emission Standards for Hazardous Air Pollutants: Area Source Standard for Plating and Polishing Operations which was published in the *Federal Register* on March 18, 2008 in Docket ID No. EPA–HQ–OAR–2005–0084. The state Small Business Environmental Assistance and Small Business Ombudsman Programs (SBEAP/SBO) were created under Section 507 of the Clean Air Act Amendments of 1990. For over 15 years, the SBEAP/SBO has provided extensive, hands-on assistance to small businesses to help them understand environmental regulations such as the National Emissions Standards for Hazardous Air Pollutants (NESHAP) and other similar standards.

The SBEAP/SBOs have indicated to EPA, through the small business liaison at OAQPS that we are interested in helping to investigate the business impact for as many of the area source NESHAP rules as we have volunteers with time to participate. Our goal is help EPA issue area source NESHAPs that are clear and easy for small businesses to comply with and are also rules that the SBEAP/SBOs and states can implement with minimal resources. The SBEAP/SBO, through their Technical Subcommittee, stand ready to work with EPA to develop implementation tools and templates that will benefit all affected small businesses.

Comments from the National Steering Committee on the proposed rule reflect the experience of SBEAP/SBOs with the efforts of small business to comply with such standards.

*We would suggest that under **Section 63.11480** “What part of my plant does this subpart cover?” the following suggestions be considered. We think that the rule should provide for several exemption criteria that would exclude several activities. First those maintenance activities that may be necessary that would utilize metal spraying activity for repair, e.g. that would take place on an oil rig or platform, or a maintenance activity that might involve the polishing of a plated surface in order to restore its original finish to accomplish its intended task such as a sealing plate or hydraulic cylinder. Second there should be an exemption for small tank operations for educational purposes such as those found in technical schools that might not meet the definition of “flash plating” and may be operational longer than an hour. This would be consistent with the exemption for Research and Development.*

Also we are concerned about the facility cost of implementing this rule. Although, not necessarily burdensome on the facilities who have extremely low emissions it will take more resources than the business will have to expend in order to implement the rule, handle notifications etc., or even just provide a minimal level of compliance assistance and outreach to all of them, than states have available.

One suggestion that may reduce the burden on these small facilities would be to replace the annual compliance certification in **section 63.11500(c)** with a “notification of changes” report such as was included in the final NESHAP for Paint Stripping and Miscellaneous Surface Coating Operations – see *section 63.11176* of that rule.

We believe **section 63.11500(c)** has a typo where it references “according to paragraphs (c)(1) through (5)” and there are six paragraphs in that section. A similar typo is found in **section 63.11512(c)** where it references “paragraphs (c)(1) through (4)” and there are 5 paragraphs in the section.

Thank you for your consideration of our comments on the proposed revisions to the National Emission Standards for Hazardous Air Pollutants: Area Source Standard for Plating and Polishing Operations. Please contact me at 319/273-8905 if you need clarification or would like to discuss any of these issues.

Sincerely,

Dan Nickey
Chair, National Steering Committee

cc: Donnalee Jones, USEPA
Keith Holman, US SBA, Office of Advocacy, 409 Third Street, SW, 7th Floor, Washington DC, 20416