

September 4, 2009

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



Transmitted via email: [a-and-r-docket@epa.gov](mailto:a-and-r-docket@epa.gov)

Attention: **Docket ID No. EPA-HQ-OAR-2009-0028**

Dear Sir or Madam:

The National Steering Committee for the national network of state Small Business Ombudsman and Small Business Environmental Assistance Programs thank you for the opportunity to comment on the proposed Subpart BBBBBBB - National Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry, which was published in the *Federal Register* on August 5, 2009 in Docket ID No. **EPA-HQ-OAR-2009-0028**. The state Small Business Ombudsman and Small Business Environmental Assistance Programs (SBO/SBEAP) were created under s. 507 of the Clean Air Act Amendments of 1990. For over 15 years, the SBO/SBEAPs have 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 similar standards.

The SBO/SBEAPs 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 to help EPA issue area source NESHAPs that are clear and easy for small businesses to comply with and are also rules that the SBO/SBEAPs and states can implement with minimal resources. The SBO/SBEAPs, through their Technical Subcommittee, stand ready to work with EPA to develop rules that small businesses can comply with and implementation tools and templates that will benefit all affected small businesses. The Technical Subcommittee has **over 50 members representing 9 of the 10 EPA regions and 25 states**. Comments from the National Steering Committee for SBO/SBEAPs reflect a wide range of experience with the efforts of small business to comply with such standards.

#### *Comments*

##### *Monitoring and Compliance Demonstration*

**Recommendation:** We recommend the continuous parametric monitoring be modified to make it more reasonable for the small sources.

The continuous monitoring of pressure drop on a PM control device required in 63.11583 are rarely used in small permits and never required of those exempt from permitting. At most, a minor source would be required to monitor pressure drop once per shift, and then only when the process is in operation.

The frequency of accuracy checks, leak checks, and visual inspections of devices and related equipment in the proposed rule is very burdensome. In most cases, in minor permits, these items would be required on an annual basis. Only Title V sources might be required to conduct similar checks on a monthly or quarterly basis.

**Recommendation:** Replace the alternate compliance demonstration of CEMS on a control device with the limit on gr/dscf from the device exhaust.

As to the request for comment in the preamble regarding use of a gr/dscf limit for compliance demonstration on PM control device efficiency, we strongly support the use of this limit in place of the

alternate compliance method to use CEMS. Many SBEAPs report the use of a gr/dscf limit in rules or state permits for small particulate matter sources.

**Recommendation:** Clarify the language regarding the link between 63.11583(g) and Table 4 in the paragraph below.

*“...establish and maintain site-specific control device parameter values that indicate proper operation of the control device to meet the emissions reduction requirements according to your monitoring plan established under paragraph (g) of this section, as specified in Table 4 of this subpart.”* This excerpt from 63.11583(a) is very confusing. This is an example of cross-referencing that will only confuse readers. Cross-referencing within rules should be used as little as possible.

Notification and Reporting

**Recommendation:** We recommend EPA change 63.11580(a) to allow two years to achieve compliance and change 63.11585(b)(3) to allow 2 years and 120 days after the date of publication of the final rule for submittal of the Notification of Compliance Status Report to be consistent with other NESHAPs.

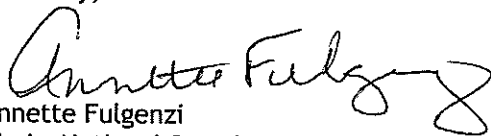
Adjusting the compliance deadline and the related notification would make the rule consistent with other NESHAPs and allow facilities adequate time to comply with the monitoring and reporting requirements.

**Recommendation:** We recommend the semi-annual compliance certification reporting in 63.11585(c)(iii) be omitted from the rule.

Semi-annual reporting, even more so than annual, is burdensome and difficult for a small business to do year after year. Annual reporting creates excessive paperwork for the facility and for the delegated authority (man-hours for review and paperwork to file) with little environmental benefit. The facility alone should be responsible for maintaining compliance, including adequate records.

We appreciate the opportunity to comment on the proposed revisions to the National Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry. Please contact Renee Lesjak Bashel, Chair of the NSC Technical Subcommittee at 608-264-6153 if you need clarification or would like to discuss any of these issues.

Sincerely,



Annette Fulgenzi  
Chair, National Steering Committee

cc: Jan King, USEPA OAQPS  
Keith Holman, US SBA  
Renee Lesjak Bashel, WI SBEAP