



# **Air Quality Permitting Response to Public Comments**

**June 28, 2010**

## **Automotive Coating General Permit**

Prepared by:  
Darrin Pampaian, Permit Writer  
AIR QUALITY DIVISION

**Final**

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## **1. BACKGROUND**

As deemed appropriate by the Director, the Department of Environmental Quality (DEQ) provided for public comment the proposed Automotive Coating General Permit.

Because the proposed Automotive Coating General Permit affected a large number of businesses throughout the state, DEQ decided that a public comment period would be provided. Therefore, DEQ provided the comment period from May 25, 2010, through June 24, 2010. Comments were provided via e-mail and US Mail. Each comment and DEQ's response is provided in the following section. Comments with a common theme have been grouped together as one comment and responded to as one comment. All comments submitted in response to DEQ's proposed action are included as the appendix of this document.

## **2. PUBLIC COMMENT AND RESPONSES**

Public comments regarding the permit analysis and air quality aspects of the proposed permit are summarized below. Due to the similarity of many of the comments received, the summary presented below combines and/or paraphrases some comments in order to eliminate duplication and to provide a more concise summary. Questions, comments, and/or suggestions received during the comment period that did not relate to the air quality aspects of the permit application, the Department's technical analysis, or the proposed permit are not addressed.

### **Comments Received via e-mail May 25, 2010**

**Comment 1: David Taylor:** Idaho has been an excellent state in which to do business. Let's keep it that way by not entangling and strangling business by the "Californification" of the regulatory environment. If a shop has a modern bake booth, it is already filtering most of the emissions. Asking for a \$1,500.00 permit is simply asking us to fund our own persecution. I understand the federal govt. is asking for some compliance, but let's use the common sense rule to what needs to be done and how much it will cost. The 4 gallon rule. Is that per day? Averaged on a monthly total or weekly or annually? Staying under that amount would be very possible for most shops. Don't add these regulations to both administrative and regulatory burdens that we already have in this state.

Response 1: The 4.0 gallon per day limit for all coating materials is based on a 24 hr. calendar day (midnight to midnight). Averaging coating material use over a week, a month, or a year is not allowed under IDAPA 58.01.01.585. As for adding regulations DEQ is just enforcing the Rules as currently written. The Automotive Coating General Permit is not based upon any new Idaho State regulations.

**Comment 2: Mike Patterson:** So does this mean that we will have to get a permit and if so how soon?

Response 2: Yes, autobody shops that apply over 1.3 gallons of coating materials in a calendar day will be required to obtain an air permit from DEQ. DEQ is aiming for January 2011 as the deadline for applying for the Automotive Coating General Permit.

### **Comment Received via e-mail June 1, 2010**

**Comment 3: John Mechum:** We do not have a body shop and send our cars out to be painted or the body work to be done. Where do we fall in the permitting process?

Response 3: If you do not own and operating an automotive coating operation then the facility is not required to obtain an Automotive Coating General Permit

### **Comment Received via e-mail June 7, 2010**

**Comment 4: Kay Burdick:** We have been in business for 30 years, it is time to have some regulation of our industry. We have been operating correctly for years, while our competition operates without a booth or proper application of paint. The only objection we have is how will you get the attention of the nine other shops who have not registered or intend to comply?

Response 4: DEQ will try to enforce the air regulations that are applicable to autobody shops as fairly as possible with the personnel available.

## Comment Received via US Mail June 8, 2010

**Comment 5: Rod Gardner:** The purpose of this letter is to give feedback on the current Automotive Coating permit. As a very small business owner it is clear that these permits will create an even larger barrier to progress, new jobs and new businesses. We do (paint) anywhere from 0-3 cars a week, compared to the largest shop in Idaho Falls doing 3-4 a day. Our supplier reports that all the shops in Idaho Falls except the Truck shops would be in the same category. These regulations do not provide equality across the business scale and are not efficient. I would like to propose some ideas that would cater to environmental protection and small businesses profit, which are both necessary in this time of crisis.

It is clear that to put the exemption for the shops that paint .4 gallons or less in any given day, the amount to paint only a fender, is an inefficient regulation. As I understand, this regulation discriminates small businesses that end up with full job. Our feeling is the exemption should be provided with a larger consumption of product, or that regulations should be based on weekly consumption in place of daily consumption.

If the purpose of this permit is to keep track of how much product is being put into the atmosphere, it would be more likely to get accurate information from the suppliers in the State who sell it. We propose that the state put a small tax on the product when purchased, providing the revenue to make up the difference for the permits. Through a small tax, consumption would be regulated fairly allowing small businesses to remain competitive. This would also discourage improper use of products outside of paint booths. We exhort you to investigate further into this proposition as it would be more beneficial for all businesses and your purpose.

Response 5: After the initial notification, the exemption cutoff was determined to be 1.3 gallons per day for all coating materials. However, this is based upon a 24-hour average for Toxic Air Pollutants (TAPs) per IDAPA 58.01.01.585. Therefore, State law precludes DEQ from using a daily or weekly average for the 1.3 gallons per day exemption cutoff. As for an additional State tax on coating materials this would take a modification of current State law. This could be done in the future but it is outside the scope of the Automotive Coating General Permit.

## Comment Received via e-mail June 24, 2010

**Comment 6: Sarah Stine, TORF Environmental:** 1. Reconsider implications of specifying a minimum 65% transfer efficiency.

In the draft permit it is stated that NESHAP Subpart HHHHHH requires HVLP guns with a 65% TE. This is not exactly what the NESHAP regs state. NESHAP (specifically 40cfr63.11173, attached) requires the use of ..."HVLP spray gun, electrostatic application, airless spray gun, or an equivalent technology that is demonstrated to achieve transfer efficiency comparable to one of the spray gun technologies listed above...." The regs then say that the procedure used to demonstrate that spray gun transfer efficiency is equivalent to that of an HVLP gun must be equivalent to the California South Coast AQ Management District's test.

The CA AQMD equivalency test does not require 65% TE. It requires demonstrating HVLP equivalency. CA AQMD provides a second test that can be used as an alternate approval pathway for non-HVLP guns. This second test requires demonstrating 65% TE for a permittee's particular application. The two tests in California are used to demonstrate 65% TE in a particular coating situation OR HVLP gun equivalency. That's "OR," not "AND."

<http://www.aqmd.gov/permit/spraytransferefficiency.html>

My concern is using the 65% TE as an absolute lower limit, especially without any further details or definition. Does the permittee have to demonstrate 65% efficiency for their particular coatings and/or application? If not, under what conditions? California (and NESHAP) allows the use of HVLP guns without verification of a 65% TE. This may be because HVLP TE, while much better than conventional spray guns, will vary depending on the application situation. Attached is an Test Verification report comparing a non-HVLP gun to two HVLP guns. On page 9 you can see that HVLP TE for large parts varied from 57 to 85% depending on coating type. Was the 65% TE efficiency used by IDEQ in the calculations and currently required in the General Permit based on actual manufacturer certifications that are applicable here?

If IDEQ wants the General Permit to be used only for HVLP guns, then consider either removing or better defining the 65% TE requirement. It also seems reasonable to expand the General Permit to include some or all of the high efficiency techniques mentioned in NESHAP. In addition, I have had an automotive spray booth client that needed to use a non-HVLP gun for product quality reasons. He selected a gun that was HVLP equivalent. These equivalency reports (like the one attached) are widely available from the major manufacturers. Therefore, the General Permit could easily also include guns that have demonstrated HVLP-equivalency.

Response 6: A transfer efficiency of 65% was used in the Automotive Coating General Permit for the following reasons: 1) The NESHAP references a minimum transfer efficiency of 65%. 2) Industry feedback that a transfer efficiency of 65% is common for the guns used in automotive coating operations. 3) DEQ staff needed to establish a transfer efficiency in order to determine the PM<sub>10</sub> for these types of operations. If a facility has a specific need for using HVLP paint guns with a transfer efficiency of less than 65% they can still apply to DEQ for a tailored permit specific to their operation.

**Comment 7: Sarah Stine, TORF Environmental (continued):** 2. Ensure that potential 586 TAPs have been considered in the General Permit analysis or will be considered by permittees.

While my review was definitely not exhaustive, I saw no analysis of any 586 TAPs in the coatings analyzed in the spreadsheet. I was surprised that none of the tinted coatings contain nickel. My understanding is that BASF DP-20 contains formaldehyde (0.1 wt%, DP20 RM 2K Primer MSDS dated 12/1999). At 4 gallons per day, 365 days per year, the formaldehyde screening Emission Level would be exceeded. My concern is that the General Permit could allow permitting of coatings that contain 586 TAPs at rates that haven't been modeled to ensure compliance with AQ standards. This is especially true for a volatile like formaldehyde that will not be controlled by emission filters.

Response 7: DEQ staff reviewed the current MSDS sheet for BASF DP-20 paint and found no listing for formaldehyde. This MSDS listed a revision date of 05/09 (instead of 12/99). Therefore, it was determined that BASF had reformulated the paint in question and no longer used formaldehyde in its formulation.

**Appendix**

**Public Comments Submitted for**

**Automotive Coating General Permit**

From: PublicComment@deq.idaho.gov

To: Faye Weber

Subject: Public Comment

You have received a public comment on:

DEQ seeks comment on proposed general air quality permit for automotive coating operations

[http://www.deq.idaho.gov/Applications/NewsApp/shownews.cfm?news\\_id=2990#comments](http://www.deq.idaho.gov/Applications/NewsApp/shownews.cfm?news_id=2990#comments)

Name: David Taylor

Email Address: david@taylorchev.com

Affiliation: Shop owner

Comments: Idaho has been an excellent state in which to do business. Let's keep it that way by not entangling and strangling business by the "Californification" of the regulatory environment. If a shop has a modern bake booth, it is already filtering most of the emissions. Asking for a \$1500.00 permit is simply asking us to fund our own persecution. I understand the federal govt is asking for some compliance, but let's use the common sense rule to what needs to be done and how much it will cost. The 4 gallon rule.. Is that per day? Averaged on a monthly total or weekly or annually? Staying under that amount would be very possible for most shops. Don't add these regulations to both administrative and regulatory burdens that we already have in this state.

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Name: MIKE PATTERSON

Email Address: SNAKERA@CABLEONE.NET

Affiliation:

Comments: SO DOES THIS MEAN THAT WE WILL HAVE TO GET A PERMIT AND IF SO HOW

SOON

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To: Faye Weber

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Name: John Mecham

Email Address: [j.mecham@rallenautogroup.com](mailto:j.mecham@rallenautogroup.com)

Affiliation: Robert Allen Auto Group

Comments: We do not have a body shop and send our cars out to be painted or the body work to be done. Where do we fall in the permitting process?

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Name: Kay Burdick

Email Address: [kay@bonnersferry.net](mailto:kay@bonnersferry.net)

Affiliation: Darrin

Comments: We have been in business for 30 years, it is time to have some regulation of our industry. We have been operating correctly for years, while our competition operates without a booth or proper application of paint. The only objection we have is how will you get the attention of the nine other shops who have not registered or intend to comply? Kay Accurate Collision Services, Bonners Ferry, Idaho.

RECEIVED

JUN 03 2010

DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE A Q PROGRAM

May 27, 2010

RE: Automotive coating operation Permit

Dear Darrin Pampaian,

The purpose of this letter is to give feedback on the current Automotive Coating permit. As a very small business owner it is clear that these permits will create an even larger barrier to progress, new jobs and new businesses. We do (paint)anywhere from 0-3 cars a week, compared to the largest shop in Idaho falls doing 3-4 a day. Our supplier reports that all the shops if Idaho Falls except the Truck shops would be in the same category. These regulations do not provide equality across the business scale and are not efficient. I would like to propose some ideas that would cater to environmental protection and small businesses profit, which are both necessary in this time of crisis.

It is clear that to put the exemption for the shops that paint .4 gallons or less in any given day, the amount to paint only a fender, is an inefficient regulation. As I understand, this regulation discriminates small businesses that end up with full job. Our feeling is the exemption should be provided with a larger consumption of product, or that regulations should be based on weekly consumption in place of daily consumption.

If the purpose of this permit is to keep track of how much product is being put into the atmosphere, it would be more likely to get accurate information from the suppliers in the State who sell it. We propose that the state put a small tax on the product when purchased, providing the revenue to make up the difference for the permits. Through a small tax, consumption would be regulated fairly allowing small businesses to remain competitive. This would also discourage improper use of products outside of paint booths. We exhort you to investigate further into this proposition as it would be more beneficial for all businesses and your purpose.

Attentively,

  
Rod Gardner

DBA  
SLADE AUTO SALES  
107 E. 42nd STREET  
GARDEN CITY, ID 83714

to Whome Concerned At DE &  
I own The Realstate at 107 E 42  
Garden C. ty But I do Not Conduct  
Auto Coating at this Location

I Currently OPERATE Slade Auto Sales  
Part time. Valley Auto Closeded  
Oct 25 2005 I SOLD this  
Realstate to Jessey Vasquez, 15 year Co-Owner  
got IT BACK APRIL 2007.

Charmal Slade

May 27, 2010

RECEIVED

JUN 08 2010

DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE AID PROGRAM

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Attentively,

Rod Gardner

2727 N Foothill Rd

Idaho Falls, Id 83401

529-8492 work

524-2972 home

CC/Dell Raybould, Eric Anderson, George Estridge, Steve Kren, Stephen Hartgen, Erik Simpson, Pat Takasugi, Elaine Smith, Wendy Jaquet and Brain Cronin.

Dear House of Representative,

Enclosed is our comments of the current automotive coating permit for body shops. We hope that you will look at this once again and see if there is another solution. This is more intense than any state around us. We feel that to be put in the same category with the large shops is not a fair business field. A \$1500.00 dollars permit for our size of business doesn't seem right. We have been in business since 1985 and have a small but successful business. We appreciate your time in this matter. If you have question for me, call 529-8492 or 524-3972, email me at rodnsue\_77@hotmail.com or my address is 2727 N Foothill Rd, Idaho Falls, Id 83401. Thank you for your time in this matter.

Thanks You  


Rod Gardner

**From:** Sarah Stine [slstine@torf.us]  
**Sent:** Thursday, June 24, 2010 10:00 PM  
**To:** Faye Weber  
**Cc:** mtorf@torf.us  
**Subject:** Public comment:: General AQ permit for Automotive Coating Ops  
**Attachments:** 40cfr63.11173.pdf; ETVR\_W400-LV\_Gun.pdf

Hello Faye:

I think I inadvertently sent this email earlier before I was finished. Please disregard that version and use this one with attachments.

The following are my comments on the draft documents. I discussed these with Darrin Pampaian yesterday (6/23), but decided to submit them formally too.

Draft Permit and SOB:

1. Reconsider implications of specifying a minimum 65% transfer efficiency.

In the draft permit it is stated that NESHAP Subpart HHHHHH requires HVLP guns with a 65% TE. This is not exactly what the NESHAP regs state. NESHAP (specifically 40cfr63.11173, attached) requires the use of ..."HVLP spray gun, electrostatic application, airless spray gun, or an equivalent technology that is demonstrated to achieve transfer efficiency comparable to one of the spray gun technologies listed above...." The regs then say that the procedure used to demonstrate that spray gun transfer efficiency is equivalent to that of an HVLP gun must be equivalent to the California South Coast AQ Management District's test.

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#### Coating Spreadsheet

2. Ensure that potential 586 TAPs have been considered in the General Permit analysis or will be considered by permittees.

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Thank you in advance for addressing these concerns.

Best Regards,

Sarah Stine, P.E.

[slstine@torf.us](mailto:slstine@torf.us)

208.571.2393 FAX: 208.345.8285

TORF

Environmental Management

[www.torf.us](http://www.torf.us)