

401 KAR 59:760. Commercial Motor Vehicle and Mobile Equipment Refinishing Operations.

RELATES TO: KRS 224.20-100, 224.20-110(1), 224.20-120, 42 U.S.C. 7408, 7410

STATUTORY AUTHORITY: KRS 224.10-100(5), (30)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100 requires the Environmental and Public Protection Cabinet to promulgate administrative regulations for the prevention, abatement, and control of air pollution. 42 U.S.C. 7410 likewise requires Kentucky to implement standards for national primary and secondary ambient air quality. This administrative regulation provides for the control of volatile organic compound emissions from new and existing commercial motor vehicle and mobile equipment refinishing operations in Boone, Campbell, and Kenton Counties.

Section 1. Definitions. (1) "Commercial motor vehicle and mobile equipment refinishing operation" means any company or individual, other than the original manufacturer, that applies a coating containing a volatile organic compound (VOC) as a pretreatment, primer, sealant, basecoat, clear coat, or topcoat to mobile equipment for commercial purposes.

(2) "High volume, low pressure (HVLP) sprayer" means an air atomized sprayer that operates at a maximum air pressure of ten (10) pounds per square inch gauge (psig) as measured at the nozzle.

(3) "Mobile equipment" means any equipment that may be drawn or is capable of being driven on a roadway, including automobiles, trucks, truck bodies, truck trailers, cargo vaults, utility bodies, camper shells, construction equipment, farming equipment, and motorcycles.

Section 2. Applicability. This administrative regulation shall apply to all commercial motor vehicle and mobile equipment refinishing operations in Boone, Campbell, and Kenton Counties.

Section 3. Operating Requirements. On and after February 1, 2005, a person at a facility subject to this administrative regulation shall:

(1) Use one (1) or more of the following application techniques, in accordance with manufacturer's specifications, to apply any coating containing a VOC as a pretreatment, primer, sealant, basecoat, clear coat, or topcoat to mobile equipment for commercial purposes:

- (a) Flow or curtain coating;
- (b) Dip coating;
- (c) Roller coating;
- (d) Brush coating;
- (e) Cotton-tipped swab application;
- (f) Electrodeposition coating;
- (g) High volume, low pressure (HVLP) spraying;
- (h) Electrostatic spray;
- (i) Airless spray;
- (j) Air-assisted airless spray; and

(k) Any other coating application method that the applicable facility demonstrates and the cabinet determines achieves emissions reductions equivalent to HVLP or electrostatic spray application methods. This demonstration shall be submitted to and approved by the cabinet. The cabinet shall:

- 1. Hold a public hearing on the demonstration; and
- 2. Submit the demonstration to U.S. EPA for approval.

(2) Be properly trained in the use of an HVLP sprayer, or equivalent application, in accordance with manufacturer's specifications, and the handling of a regulated coating and any solvents used to clean the sprayer.

(3) Store the following materials in nonabsorbent, non-leaking containers and keep these containers closed at all times when not in use:

- (a) Fresh coatings;
- (b) Used coatings;
- (c) Solvents;
- (d) VOC-containing additives and materials;
- (e) VOC-containing waste materials; and
- (f) Cloth, paper, or absorbent applicators moistened with any of the items listed in this subsection.

Section 4. Exemptions. The following coating applications shall be exempt from the requirements of Section 3 of this administrative regulation:

(1) The application of a coating for graphic designs, stenciling, lettering or other identification marking through the use of an air brush method;

(2) The application of a coating sold in nonrefillable aerosol container; and

(3) The application of a coating to mobile equipment solely for repair of small areas of surface damage or minor imperfections.

Section 5. Reporting Requirements. (1) Before February 28, 2005, sources subject to the provisions of this administrative regulation shall submit documentation sufficient to substantiate that high efficiency transfer application techniques of coatings required in Section 3 of this administrative regulation are in use at their facility. The documentation shall also verify that all employees applying coatings are properly trained in the use of an HVLP sprayer, or equivalent application, and the handling of a regulated coating and any solvents used to clean the sprayer.

(2) The source shall retain the documentation on-site and make the documentation available to the cabinet and the U.S. EPA upon request. This documentation shall be sent to the Kentucky Division for Air Quality, 300 Sower Boulevard, Frankfort, Kentucky 40601, Attn: Regulation Development Section. (31 Ky.R. 1207; 1434; 1518; eff. 3-11-2005; TAm eff. 5-20-2010; TAm eff. 7-8-2016; Crt eff. 11-21-2018.)