

Revision Checklist 205 Summary

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| Rule Title: | National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks; Final Rule |
| Checklist Title: | NESHAP: Surface Coating of Automobiles and Light-Duty Trucks |
| Reference: | 69 FR 22601 – 22661 |
| Promulgation Date: | April 26, 2004 |
| Effective Date: | June 25, 2004 |
| Cluster: | RCRA Cluster XIV |
| Provision Type: | Non-HSWA |
| Linkage: | 79 |
| Optional: | Yes |

Summary: This rule includes national emission standards for hazardous air pollutants (NESHAP) for automobile and light-duty truck surface coating operations at major sources of hazardous air pollutants (HAP). It requires these operations to meet HAP emission standards reflecting the application of the maximum achievable control technology (MACT). The rule also amends RCRA air emission standards for owners and operators of TSDFs to exempt air emissions from certain activities that are covered by the final NESHAP.

State Authorization: This rule is placed in RCRA Cluster XIV. The State modification deadline is July 1, 2005 (or July 1, 2006 if a State statutory change is necessary).

This rule is promulgated pursuant to non-HSWA authority. It exempts regulation of these wastes under RCRA and defers them to the final NESHAP. This exemption is less stringent than the current Federal requirements. Therefore, States will not be required to adopt and seek authorization for the exemption. However, EPA strongly encourages states to adopt and seek authorization for these provisions in order to prevent duplication with the NESHAP. EPA will implement the program only in those States which are not authorized for the RCRA program.

Attorney General (AG) Certification Guidance: Specific AG certification of statutory authority may not be required for this checklist as long as the AG has previously demonstrated authority for Subpart BB (Air Emission Standards for Equipment Leaks).

Program Description (PD) Guidance: A State seeking authorization for this checklist should determine whether the revisions impact the program described in the Program Description.

Incorporation by Reference Guidance: Note that CL 205 references provisions from 40 CFR Part 63. States may either directly reference the provisions in Part 63, or incorporate the provisions into its regulations and reference the provisions within its regulations. If the first approach is used, the State must make sure that its Administrative Procedures Act allows the State to reference the Federal regulations.