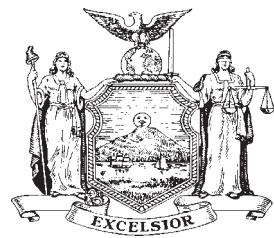


CLEAN AIR NEWS

FOR SMALL BUSINESS



Volume 1, Number 3

A Letter From the Governor

Dear Small Business Owner/Operator

I am pleased to provide you with the third issue of *Clean Air News*, a publication of the NYS Small Business Stationary Source Technical and Environmental Compliance Assistance Program (PROGRAM). The PROGRAM's two elements, the Small Business Assistance Program provided by the NYS Environmental Facilities Corporation (EFC) and the Environmental Ombudsman Unit of Empire State Development (ESD), produce this semi-annual newsletter to inform small businesses of recent developments and upcoming deadlines in state and federal air regulations. The PROGRAM helps you, New York State's small-business owners and operators, to better understand and comply with the requirements of the Clean Air Act Amendments.

New York State is committed to ensuring a clean, healthy environment for its residents while providing a supportive business climate that is conducive to job creation and growth. Interagency cooperation between EFC and ESD is effectively allowing these goals to be met. The PROGRAM exemplifies New York State's commitment to the environment and the small business community. I hope you find this newsletter to be helpful to your business.

Very truly yours,

George E. Pataki

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Compliance Alert for Solvent Cleaning Machine Operators

by Patrick Lentlie

Do you clean metal, tools, computer components, or other materials with a solvent cleaning machine? If so, it is important that you determine if you must comply with the **National Emission Standard for Hazardous Air Pollutants (NESHAP) for Halogenated Solvent Cleaning** (40 CFR Part 63 Subpart T).

The good news about this regulation is that if you have initiated a pollution prevention program to avoid the use of chlorinated solvents, or if you use a cleaning device with a capacity less than 2 gallons (7.6 liters), this rule does not apply to your operation. If you have not done so already, review

the Material Safety Data Sheets (MSDS) for all the cleaning solvents your business uses to determine if they contain any of the following toxic chemicals:

- Carbon Tetrachloride (CAS# 56-23-5)
- Chloroform (CAS# 67-66-3), *aka* Trichloromethane
- Perchloroethylene (CAS# 127-18-4), *aka* Tetrachloroethylene or Carbon Dichloride
- 1,1,1-Trichloroethane (CAS# 71-55-6), *aka* Methyl Chloroform
- Trichloroethylene (CAS# 79-01-6), *aka* Ethylene Trichloride or Trichloroethene
- Methylene Chloride (CAS# 75-09-2)

If these chemicals are not listed or comprise less than 5% by weight of the cleaning solutions, your cleaning system is exempt from this regulation. If you are exempt, keep calculations and records on-site to verify the exemption. Note that even if you are exempt from this federal law, you may still be required to have a Permit or Registration under Part 201 and comply with New York State's Part 226, Solvent Metal Cleaning Processes.

NESHAP Requirements

If your operation is not exempt, the NESHAP requirements you must comply with depend on whether the

(continued on p. 4)

A Letter From the PROGRAM

by Tria G. Case, Esq., Environmental Ombudsman Unit and Marian J. Mudar, PhD, Small Business Assistance Program

Ninety-eight percent of businesses in New York State are small businesses. We know that many of these businesses are not aware of the requirements of the 1990 Clean Air Act Amendments (CAAA), and state and local regulations. Some may just be unsure of their exact regulatory responsibilities. We believe that providing affected businesses with information about the CAAA and the associated regulations, and offering access to free and confidential compliance assistance, will improve environmental quality and make doing business in New York easier. Ultimately, compliance assistance could provide for a better economy.

Accordingly, the Small Business Technical and Environmental Compliance Assistance Program (PROGRAM) is gearing up for outreach and technical assistance on New York State's new air permitting regulation, 6 NYCRR Part 201. In our last newsletter (Fall 1996) we informed you of the new forms and new terms that small businesses will need to know in order

to make important decisions about compliance options. The PROGRAM recognizes that the transition to this new permitting format may raise many new issues for both DEC and the regulated community. We are committed to helping you transition to this new system and working with you to answer your questions. We will help you understand which permit is best for your facility.

The PROGRAM has just completed its Part 201 Scoping Sessions which allowed us the opportunity to hear from small businesses and their assistance providers, representing each region of New York State (see related article on p. 8). Many participants indicated that attending locally held information workshops or seminars on the requirements could help small businesses come into compliance. We are now developing compliance assistance seminars to help address the needs of small businesses in each region and will notify small businesses and their assistance providers later this spring, once a schedule is in place. We

hope that you will be able to attend one of these sessions to receive answers to your questions.

If you have suggestions about assistance activities that are needed in your region or your industry, or if you have any questions, please call the Environmental Ombudsman at 1-800-782-8369 or the Small Business Assistance Program at 1-800-780-7227.♦

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Tria G. Case is the Supervisor of Empire State Development's Environmental Ombudsman Unit. Over the past 3 years, Tria has worked with the Unit to resolve policy and legal issues pertaining to small business compliance with the Clean Air Act Amendments and associated state regulations.

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Marian J. Mudar, Ph.D., is the Program Manager of the SBAP, provided by the Environmental Facilities Corporation. Marian has more than 16 years of experience providing multimedia technical assistance, with an emphasis on pollution prevention, to small, medium, and large businesses.

Compliance Alert for Chromium Electroplaters and Anodizers

by Virginia Rest

In November 1994, the US Environmental Protection Agency (EPA) issued national regulations to control air emissions of chromium from chromium electroplating and anodizing tanks. The regulation, known as the **Chromium National Emission Standard for Hazardous Air Pollutants (chrome NESHAP)**, affects all facilities performing hard and decorative chromium electroplating and chromium anodizing, regardless of size. In December 1996, EPA gave the NYS Department of Environmental Conservation (DEC) delegation to implement the chrome NESHAP when its Title V operating permit program was approved by EPA.

Chromium emissions are being regulated because the hexavalent form of chromium is highly toxic and strongly suspected of causing lung

cancer. The trivalent form of chromium, also toxic, may cause decreased lung function after continuous exposure. Chromium



electroplating and anodizing tanks are one of the largest sources of chromium emissions. Many facilities with electroplating or anodizing tanks are located in small shops that use one plating tank, located near residential areas.

Nationally, full compliance with the regulation should result in a 99% reduction in chromium emissions.

Decorative chromium electroplating operations were to be in compliance

with the regulation on January 25, 1996. Hard chromium and anodizing operations were to be in compliance on January 25, 1997.

In general, the regulation requires:

- Emission Limits
- Work Practice Standards
- Initial Testing
- Ongoing Monitoring
- Recordkeeping
- Reporting

Emission Limits. The regulation specifies emission limits that typically can be achieved using a certain technique to reduce emissions, such as a control device or a fume suppressant. Another technique may be used if the level of emission does not exceed the

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Ask the Air Advisor.....

by Harry Ching

Q. I have a spray booth that is used to paint metal parts and I apply the paints with a conventional spray gun. I used about 700 gallons of solvent-based paint last year. I don't have any other sources of air emissions. What do I need to do to comply?

A. I will give two answers because it depends on where your facility is located within New York State.

A1. If you are located in the New York City Metropolitan Area (all of New York City, Nassau, Suffolk, Westchester, and Rockland Counties), you may apply for a Minor Facility Registration under Part 201, Permits and Registrations, provided your emissions stay below 5 tons for a single Hazardous Air Pollutant (HAP), 12.5 tons for combinations of HAPs, and 12.5 tons of Volatile Organic Compounds (VOCs). You must also comply with Part 228, Surface Coating Processes. To comply with Part 228, you must use a VOC-compliant coating or have control equipment that destroys VOCs before they are emitted from your facility.

A2. If you are located outside the NYC Metropolitan Area, you may also register your facility according to the same emission limits listed above for the facility located in the Metro area. The big difference is that you need NOT comply with Part 228 if you emit less than 10 tons of VOCs per year. This means that you will be able to use just about any type of paint you choose, so long as you remain under the 10-ton threshold. If your VOC emissions are more than 10 tons per year, you must obtain a State Facility Permit instead of a Minor Facility Registration.

Q. I am aware of the recent compliance deadlines regarding chromium plating processes. I have a chromium chemical conversion tank. Do I have to comply with these new regulations?

A. No. The NESHAP (National Emission Standards for Hazardous Air Pollutants) for Hard and Decorative

Schedule for Capping or Submittal of Title V Applications

by Patrick Lentlie

Part 201, Permits and Registrations, includes a transition plan that establishes deadlines by which all major sources must submit Title V permit applications. The schedule is based on the Standard Industrial Classification (SIC) Code for the facility.

The following small business source categories are included in the first wave of permit submittals, which must be submitted to the appropriate DEC Regional Office by June 9, 1997:

- Petroleum bulk storage plants and terminals and
- Stationary combustion installations at facilities such as hospitals, hotels, elementary and secondary schools, colleges, and real estate properties.

The major focus of the first group of Title V submittals are stationary combustion units/boilers. DEC has developed a General Permit that can be utilized for this source category. A State

Facility General Permit has also been developed for those sources that opt to "cap," or limit their potential emissions to emit below the major source levels.

Please keep in mind that Part 201 requires any facility that intends to cap its facility's emissions below the major source thresholds to notify DEC in writing by December 9, 1997.

The transition plan includes two other groupings of source categories for Title V submittals by December 9, 1997, and December 9, 1998. Contact either the SBAP or your DEC Regional office to obtain the transition schedule and to verify your Title V submittal date and/or capping status.♦



Patrick Lentlie is an Environmental Program Specialist in the Division of Air Resources at DEC. He acts as the liaison between DEC and the Environmental Ombudsman and SBAP elements of the PROGRAM.

are also New York City Department of Environmental Protection regulations that you may need to comply with in addition to the State environmental regulations.♦



Air Advisor Harry Ching is actually an Environmental Project Manager in the SBAP Unit of the Environmental Facilities Corporation (EFC). He brings 10 years of experience and a background in chemical engineering to the SBAP's hotline and on-site consultation services.



Solvent Cleaning, continued from p. 1

cleaning solution is used in a *liquid (cold)* or *vapor phase* and if the items to be cleaned are fed on a *batch* or *continuous (in-line) basis*. "Vapor phase" simply refers to when the solvent is heated above its boiling point.

Based on this criteria, there are four types of machines: "Batch Cold," "Batch Vapor," "In-Line Cold," and "In-Line Vapor." The NESHAP defines one set of compliance criteria for batch cold machines and a set of compliance options for the other three types.

Batch cold machines must meet certain equipment standards, such as the use of tightly fitting covers and the use of either a 1" (2.5 cm) water layer on the solvent surface or a "freeboard ratio" of 0.75 or greater. "Freeboard ratio" is the ratio of the distance between the solvent surface and the machine cover to the smaller interior dimension (length, width, diameter) of the solvent cleaning machine. When the water layer is not feasible, additional common-sense work practices must be performed, such as storing solvent waste in closed containers, cleaning up spills immediately, and controlling room drafts when the cover is open.

Three compliance options are available for batch vapor and all in-line machines. The simplest option is to meet the **average monthly emission limit**, which is expressed in terms of kilograms of solvent emitted per square meter of solvent surface area in the machine. If the limit can be met, little record keeping and reporting is required. The table below lists the average monthly emission limits.

When the emission limit cannot be attained, the two remaining options involve the use of recognized **design and work practice requirements** in combination with either (a) a specific **idling emission limit** or (b) the use of a **combination of control methods**. The sidebar at right briefly lists the design and work practice requirements.

One other noteworthy provision of the Solvent Cleaning NESHAP is the **operator test**. This rule includes a written test that batch vapor or in-line solvent cleaning machine operators may be asked to complete when an inspection is conducted. A copy of this test can be obtained by contacting the Ombudsman or SBAP.

Hopefully, you have looked into alternatives to using chlorinated solvents at your facility. If you haven't but would like to, contact the SBAP for information.

Compliance Deadlines

Halogenated solvent cleaning facilities that started operation after November 29, 1993, should have been in compliance since December 2, 1994. Existing facilities in operation before November 29, 1993, were required to submit an initial notification report to the U.S. Environmental Protection Agency (EPA) by August 25, 1995. **Most importantly, these existing sources are required to be in compliance by December 2, 1997.**

The EPA delegated implementation of this NESHAP to the New York State Department of Environmental Conservation on December 9, 1996. As a result of this change, you no

Design Requirements & Work Practices

Design Requirements

1. Cover or reduce room draft
2. 0.75 or greater freeboard ratio
3. Hoist: maximum speed of 3.4 meters (11 feet) per minute
4. Liquid and vapor level indicators that shut off sump heat
5. Primary condenser (required on vapor cleaning machines)
6. Carbon adsorber, if using a lip exhaust

Work Practices

1. Minimize air disturbances in the cleaning machine and in the room
2. Minimize solvent loss due to spraying operations
3. Reduce the pooling of solvent on and in parts
4. Remove parts only after solvent dripping stops
5. During startup, turn primary condenser on before sump heater
6. During shutdown, turn sump heater off before the primary condenser
7. Maintain equipment as recommended by the manufacturer
8. Store solvent waste in closed containers
9. Do not clean absorbent materials
10. Take and pass an operator test, if requested
11. Transfer solvent using leakproof couplings

longer should send reports to EPA but should now send all reports to comply with the Halogenated Solvent Cleaning NESHAP to:

NYS DEC Division of Air Resources
Toxics Assessment Section
50 Wolf Road
Albany, NY 12233-3254

If you have any questions about the Halogenated Solvent Cleaning regulation, contact the SBAP or Ombudsman for free, confidential assistance.♦

Machine Type	Avg. monthly emission limit in kg/m ² (lb/ft ²)
Batch Vapor	150 kg/m ² (30.7 lb/ft ²)
Existing* In-line	153 kg/m ² (31.4 lb/ft ²)
New* In-line	99 kg/m ² (20.0 lb/ft ²)

* Existing = machines in operation on or before 11/29/93.

New = start up after 11/23/93.

Chrome, continued from p. 2

standard. However, if another technique is used, you must obtain approval from DEC for the monitoring and test methods that you will use to prove compliance.

In general, hard chromium platers can use packed-bed scrubbers for small existing tanks, or composite mesh pad systems for all other tanks. Decorative chromium plating tanks that use a chromic acid bath and chromium anodizing tanks can use fume suppressants that contain a wetting agent. Decorative chromium plating tanks that use a trivalent bath do not have extra emission control requirements because, typically, the use of a wetting agent is inherent in the process. If the trivalent bath does not have a wetting agent, the facility must use another compliance method to meet the standard.

Work Practice Standards. The regulation specifies that all facilities except decorative chromium platers that use a trivalent chromium bath must prepare an operation and maintenance plan. This plan must establish and document work practice standards such as quarterly inspections of control devices, ductwork, and monitoring equipment, periodic washdowns of composite mesh pad systems, and fresh water additions to the top of packed-bed scrubbers.

Initial Testing. Initial testing is not required for decorative chromium platers or chromium anodizing tanks that use a wetting agent to limit the surface tension to 45 dynes per centimeter, and decorative plating tanks that use a trivalent bath.

DEC required a one-time test to demonstrate compliance by July 23, 1996, for decorative chromium platers. Hard chromium platers and chromium anodizers must conduct this test by July 24, 1997. You must notify DEC of your testing date 60 days prior to the test, and must submit a testing protocol for approval by DEC.

Except for wetting agents, which rely on the measurement of surface tension to demonstrate compliance, the control system is tested by collecting air samples from within the stack. Most facilities hire a testing service to conduct the test, however the NESHAP does allow facilities to do their own testing. A videotape that explains how to build the sampling apparatus is available by contacting the PROGRAM.



Although self-testing is allowed, the procedure is still fairly difficult. Before deciding to do the self test, small businesses should carefully evaluate the time needed to build the apparatus and prepare an acceptable protocol for DEC, and plan for the possibility that multiple test runs will have to be done to obtain an acceptable sample. This initial test establishes the operating parameters against which the ongoing monitoring measurements will be compared.

Ongoing Monitoring. Businesses must demonstrate continuous compliance through ongoing monitoring of the control technology being used. For example, for composite mesh pads, the pressure drop across the unit must be measured daily; for packed-bed scrubbers, the inlet velocity pressure and pressure drop across the unit must be measured daily.

For foam blankets, the foam thickness must be measured every hour; for wetting agents, the surface tension of the bath must be taken every 4 hours. For both foam blankets and wetting

agents, the time between monitoring may be increased gradually if the results show continuous compliance.

Recordkeeping. Records that document compliance with the regulation, such as inspection records, equipment maintenance records, records of malfunctions and non-compliance, performance test results, and monitoring data must be kept for 5 years. Trivalent chrome bath users, however, must only keep records of bath component purchases. Sample recordkeeping forms are available from the PROGRAM.

Reporting. All chromium electroplaters should already have sent an initial notification describing their facility to EPA or DEC. All decorative chromium platers should already have completed initial testing and submitted compliance reports. Hard chromium plating and chromium anodizing facilities must follow these steps:

- 1) complete initial testing by July 24, 1997
- 2) send a notification that they will be performing the initial test to DEC 60 days before the test
- 3) send a compliance status report and the test results to DEC within 90 days after the test

Chromium anodizing facilities should have submitted a compliance report by February 24, 1997.

Assistance. For help with the chrome NESHAP or to obtain sample reporting forms, contact the SBAP at 1-800-780-7227. Facilities who have missed compliance deadlines should contact the SBAP immediately for free, confidential compliance assistance.❖



Virginia Rest is an Environmental Project Manager in the SBAP unit of the Environmental Facilities Corporation. Virginia's work on the SBAP hotline and her on-site assistance visits incorporate her 16 years of environmental experience. She also conducts technical outreach seminars.

Compliance Alert for Small Combustion Installations

by Jim Coyle

Owners/operators of boilers and internal combustion engines have many questions regarding their responsibilities under Part 227-2, Reasonably Available Control Technology (RACT) for Oxides of Nitrogen (NOx). Specifically, the issues of concern are:

- registration/permit options
- operating procedures
- NOx control requirements

This article will answer many of these questions. Specific questions may be addressed through the SBAP's technical hotline: (800) 780-7227.

Do the NOx RACT requirements apply to the same size combustion installations throughout New York State?

No. There are two different applicability levels in the state. In the severe ozone non-attainment area (New York City and the counties of Nassau, Suffolk, Westchester, Rockland, and Lower Orange), the requirements apply to facilities with the potential to emit (PTE) 25 tons/yr or more of NOx. For the rest of the state, the threshold is a PTE of 100 tons/yr or more of NOx.

Please keep in mind that equaling or exceeding these emission levels will classify a facility as Major and will affect the type of permit you must obtain from DEC.

Do these emission levels equate to certain size boilers, engines, and types of fuel?

Yes. The table above estimates the boiler/engine capacity (by type of fuel) associated with a PTE for NOx emissions that would trigger the NOx RACT requirements. Facilities whose total boiler or engine heat input capacity equals or exceeds these values must comply with the NOx RACT requirements.

Keep in mind that these values are associated with your boilers operating around-the-clock and at maximum capacity, which is the definition of PTE.

Fuel Type	Total Capacities for Boilers/Engines*	
	Capacity that Approximates a PTE of 25 tons/yr (Downstate)	Capacity that Approximates a PTE of 100 tons/yr (Upstate)
Boilers		
residual oil	11.4 mmBtu/hr	45.6 mmBtu/hr
distillate oil	40.9 mmBtu/hr	163.9 mmBtu/hr
natural gas	40.9 mmBtu/hr	163.9 mmBtu/hr
Engines		
diesel fuel/natural gas	1.68 mmBtu/hr	6.75 mmBtu/hr

* "Total" means the sum of all boilers/engines at the facility. These capacities are facility-wide.

Are certain size boilers exempt from both NOx RACT and any permitting requirements?

Yes. Downstate, furnaces burning oil or natural gas with a maximum rated heat input capacity less than 10 million Btu/hr are exempt from needing any permit or registration. This value is 20 million Btu/hr or less for furnaces located upstate burning similar fuels and constructed before June 9, 1989. These exempt sources are also below the applicability level for NOx RACT.

If your furnace's maximum rated heat input is not stated in millions of Btu's per hour, use the following table to convert it to mmBtu/hr.

Multiply	by
lbs steam/hr	0.0014
boiler horsepower	0.0334
mechanical horsepower	0.0025

Any furnace that has the capability to burn either coal or wood and that has a maximum heat input of less than 1 mmBtu/hr is exempt from any permit requirements, statewide.

With respect to internal combustion engines, as long as the facility is not classified as Major for NOx, the following are exempt from both permitting and NOx Ract:

- natural gas/diesel-fired engines located in the severe non-attainment area (downstate) with a maximum

mechanical power rating of less than 225 brake horsepower

- natural gas/diesel-fired engines located outside the severe non-attainment area (upstate) with a maximum mechanical power rating of less than 400 brake horsepower
- gasoline-powered engines with a maximum mechanical power rating of less than 50 brake horsepower

What are my compliance options if the furnaces at my facility exceed the applicability levels or if the PTE at my facility would classify it as a Major source?

There are several compliance options available:

- limit your potential to emit to below the NOx RACT applicability levels;
- develop a NOx RACT compliance plan; and/or
- apply for the appropriate permit/registration.

How can I limit my potential to emit with a permit?

There are two ways to limit, or "cap," your emissions:

- Part 201, Permits and Registrations, includes a provision that allows a facility to "cap by rule" through the Registration process if it can limit its emissions to less than 50% of the applicability thresholds (12.5 tons/yr downstate and 50 tons/yr upstate).

- Part 201 also includes a provision that allows a facility to limit its emissions by obtaining a State Facility Permit, if its emissions are over the 50% level but less than the applicability level. DEC has developed a General Permit that can be utilized for this source category. See related article on page 8.

When should I request a cap from DEC?

Part 227-2 required sources to either cap their NOx emissions below the Major source threshold or implement the RACT requirements by June 1, 1995. If you missed this deadline, contact the SBAP immediately.

In addition, Part 201 requires Major boilers/stationary combustion sources to apply for a Title V permit by June 1997. A Title V Permit is a new type of air permit that all Major facilities must obtain, even if they are currently permitted with DEC. DEC has also developed a General Permit for this category of sources (excluding coal/wood-fired units) that identifies the applicable requirements. See related article on page 8.

Will capping my emissions generate any new requirements?

Yes. You will be required to maintain records to demonstrate that your fuel

usage has remained below the limits specified on your permit or the limits in the capping by rule provision in Part 201, whichever applies. In addition, if you obtain a State Facility Permit, you will be required to certify on an annual basis that you have complied with the limits specified on your permit.

What if I cannot cap my NOx emissions below the applicability levels?

You should immediately develop a NOx RACT compliance plan. This plan should contain the necessary steps (purchase of equipment, installation of equipment, source testing, submittal of permit application) and projected completion dates required to bring the facility into compliance. This plan should be submitted to the appropriate DEC Regional office as soon as possible. Contact the SBAP for help.

Are there any other requirements?

For small boilers (those whose capacity is less than 50 mmBtu/hr), Part 227-2 requires an annual tune-up. There is a guidance document available from either the SBAP or DEC that includes all of the necessary components of an acceptable tune-up.

Larger boilers (more than 50 mmBtu/hr) must install approved low-NOx burners (residual oil units must also

utilize 10% flue gas recirculation) and/or meet fuel-specific emission limits, depending on boiler size.

Internal combustion engines must meet either a lean-burn or rich-burn NOx emission limit. The most cost-effective way to meet the emission limit is by retarding the timing on the engine. Any source subject to an emission limit must perform a stack test to demonstrate compliance.

Who can help me?

The SBAP can assist you in calculating your current emission levels and determining the applicable requirements. In addition, we can assist in the development of a compliance plan for your facility and help you complete the appropriate permit or registration application. Assistance is free and confidential.❖



Jim Coyle is an Environmental Project Manager in the SBAP, provided by the Environmental Facilities Corporation. With 17 years of experience in various phases of air pollution control, including permitting, environmental auditing, and RACT control requirements, Jim answers SBAP hotline calls, performs on-site assistance visits, and conducts technical outreach seminars.

Ombudsman Case Files

by Ronald E. Austin, REM, CEA

Many times when a small business calls the Environmental Ombudsman Unit, the person does not know that they have a compliance problem. As a result, we have learned to ask them additional questions that might determine problems other than the one they called about. A recent example from the New York City/Metropolitan area illustrates the situation.

The owner of a printing shop called the Ombudsman because she was concerned about chemical fumes in the indoor air of her shop. She wanted to know if they were a health threat to her employees. We suggested she contact the OSHA Consulting Service run by the New York State Labor Department. They provide free on-site

safety and industrial hygiene assistance to small businesses around the state and operate out of regional offices.

After the initial discussion, we talked about her printing process and discovered that she was unfamiliar with the air regulations that require compliant inks/coatings or adhesives and did not know about the requirement that she obtain an air permit for her offset printer.

Based on the approximate quantities of solvents that she was using, we determined that she was probably a candidate for registration under Part 201, Permits and Registrations. This meant that the permit application she needed to submit is a Registration form, a one-page form that is easily

filled out and requires no calculations to complete.

We sent her a copy of the registration form, the "Graphic Arts" regulation (Part 234), and the *Graphic Arts Environmental Guide* that the PRO-GRAM developed, and referred her to the SBAP to help her determine her permitting status more precisely and complete the necessary registration application. The SBAP will also work with her to help her facility comply with the requirements of Part 234.❖



Ron Austin is an Environmental Ombudsman for Empire State Development. He has 18 years of environmental regulatory experience, including small business, manufacturing, consulting, remediation, and spill response.

Part 201 Scoping Sessions

by Maritza Espinosa

With the recent revisions to regulation 6NYCRR Part 201, Permits and Registrations, affecting many small businesses in New York State, the Environmental Ombudsman Unit and the SBAP conducted a series of six scoping sessions throughout New York State. The purpose of the scoping sessions was to bring together the key participants needed to launch a successful outreach program to the business community on the requirements of the revised permitting regulation. The PROGRAM invited representatives from small business assistance providers across the state, such as local development centers, trade groups, and associations.

The scoping sessions were divided in two parts. In the morning, the PROGRAM met with representatives from DEC's Regional Offices to provide DEC with a clear picture of the PROGRAM and its responsibilities. We identified ways that the PROGRAM and DEC Regional Offices can work together to achieve our common goals of promoting small business compliance with state and federal clean air requirements.

The afternoon sessions lasted four hours and included presentations by DEC on Part 201. The PROGRAM presented background information on the Clean Air Act and Part 201 and what it means to small businesses. An interactive scoping session focused on the following: What information and assistance are needed in that region and how to work with the other service providers to get regulatory information to small businesses.

The scoping sessions were well attended with an average of 30 people per session. Participants were asked to complete a questionnaire about the sessions; approximately one-third did so. Out of 67 questionnaires received, 52 respondents thought the programs were "very good" or "excellent." The question that generated the greatest response was "What did you learn today from the session?" The replies included that the attendees now know: more about

General Permits for Certain Combustion and Heating Units

by Stephen Mohr

On January 1, 1997, DEC's Division of Air Resources released a proposal to use General Permits for certain types of small, stationary combustion installations. These are the first general permits proposed by DEC pursuant to the new General Permit provisions under Part 201, which went into effect in July 1996. DEC held hearings on these General Permits during the week of February 3rd in NYC, Albany, and Buffalo to receive comments and provide summary information on the proposal to interested parties. Turnout was light at all locations.

Eligible Facilities. The proposal involves two permits that were developed to streamline and standardize the permitting of boilers and reciprocating internal combustion engines (i.e., emergency power generators and stationary diesel engines) within a certain size and/or heating capacity. Specifically, only those combustion units/installations that have a maximum heat input capacity of 100 million Btu's per hour or less and that are fired with natural gas, residual fuel oil (no. 6 oil), distillate fuel oil (no. 2 oil), or diesel

Part 201 and available resources for help; the role that the Environmental Facilities Corporation plays in providing technical assistance through the SBAP; and the desire that ESD has to provide effective outreach services and work with the regulated community.

Our experience with this project sets the stage for a closer relationship with small business support groups as the PROGRAM develops its regional outreach on Part 201.❖

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Maritza Espinosa is an Environmental Ombudsman for Empire State Development. She previously worked as a Special Assistant to the Unit through the National Urban/Rural Fellowship Mentorship Program while earning her Masters of Public Administration. Maritza is responsible for developing seminars and coordinating outreach for the PROGRAM.

are eligible to operate under these General Permits.

One of the General Permits is intended to be used for combustion units at non-Major facilities and the other is intended for Major facilities subject to Title V permitting requirements. The permits will also be available to facilities with both combustion and non-combustion processes. In these situations, the non-combustion processes will be authorized to operate under a separate permit. Note, however, that many facilities will continue to be exempt from permitting requirements or may be eligible to register their combustion installation(s) under Part 201's new Minor Facility Registration program.

DEC anticipates that thousands of existing facilities with eligible combustion installations will be able to use these General Permits. The largest percentage of these facilities are likely to be located in the NYC metropolitan area and Westchester County ("down-state"). These facilities will include those that currently have no permit from DEC (some may have been exempt in the past), those that do have a permit but need to have their permits modified to establish legally enforceable emission limits [needed to avoid emission control requirements on emissions of nitrogen oxides (NOx)], and facilities that need Title V operating permits. See the article on page 6 for an explanation of the NOx emission control requirements and Major facility thresholds that may apply to some facilities.

Application Schedule. Applications for the Title V General Permit for residential and commercial real estate property combustion installations will be due by June 9, 1997. In addition, facilities of this type that need an emission cap (emission limits) to avoid being classified as a Major (Title V) facility may also want to apply for the General Permit for non-Major facilities by this date to obtain a legally enforceable emission cap. Other Major

facilities containing both combustion and non-combustion emission units will need to apply for the General Permit by December 1997 or December 1998, depending on the primary Standard Industrial Classification Code that applies to the facility, according to the transition schedule established in 6NYCRR Part 201.

More Information. The PROGRAM has developed summary information and fact sheets to help small businesses determine if they qualify to use these permits and what requirements and conditions are involved. You may also want to obtain materials developed by DEC for a workshop held in the NYC area in March that was designed to help those facility owners/operators who need to fill out applications for the Title V General Permit.

For some additional background information on General Permits, see the last issue of this newsletter (Fall 1996, pg 8).♦

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Stephen Mohr is an Environmental Project Specialist in the SBAP, provided by the Environmental Facilities Corporation. Steve draws on his 16 years of environmental experience to provide technical assistance over the SBAP's hotline. He conducts seminars for the PROGRAM, provides permitting assistance, and analyzes regulatory requirements that affect small businesses.

SBAP Case Files

Surface Coating

In July 1996, a facility contacted the ESD Ombudsman and the SBAP hotlines for assistance. The facility paints plaster artist molds with white acrylic latex wall paint purchased from a hardware store. It also uses black paint supplied by a paint vendor to paint metal stands for use by artists when making sculptures.

DEC Region 2 had inspected the facility in August 1995, found that it did not have certificates to operate, and took samples from each of the painting lines. According to DEC's test results, the black paint was not in compliance. No determination was made of the compliance status for the white paint.

The SBAP, with the source owner's permission, called the Regional Office to facilitate the regulatory process. The regional representative said that the black paint limit was based on the metal furniture limit in Part 228.7 Table I. The white paint would be subject to Part 212, and a Reasonably Available Control Technology (RACT) demonstration was needed.

The SBAP felt that the stands were not furniture, but that they were miscellaneous metal parts instead, which have a higher allowable VOC content for their coatings. However, the facility's

current black paint still did not comply with this slightly higher limit. The SBAP informed the source owner that he would have to obtain complying paint, which he did.

As for the white paint, the SBAP researched Part 212 and determined that the white paint did meet the RACT requirements, even though the facility was in fact not subject to RACT. Thus, the SBAP felt that a RACT demonstration was not called for.

The SBAP called the Regional Office to explain this position, and the Region agreed. However, if the facility had not called the SBAP, it would have had to obtain a more-restrictive coating for its metal racks, which may not have been effective. In addition, the facility probably would have hired a consultant to perform a RACT demonstration, incurring an unnecessary expense.

Petroleum Storage

The owner of a gasoline bulk plant called the SBAP because he needed to comply with Part 201, Permits and Registration, but was unsure whether the facility needed a Title V Permit, State Facility Permit, or Registration.

(continued on p. 10)

Easy Financing for Equipment Using SBA

by Douglas Asofsky

When faced with the need to upgrade your equipment, you want to find the easiest (and least expensive) financing.

Today, that usually means a loan from a bank guaranteed by the Small Business Administration (SBA).

In the past, SBA loans had to be submitted to that organization for approval. Also, the paperwork and red tape involved made for a long and difficult process. Today, that process no longer exists. Certain banks (such as Citibank) have been delegated authority by the SBA to approve SBA loans on their own, without submitting them for approval.

Under the Preferred Lenders Program (PLP), certain banks can obtain guarantees up to \$750,000 for equipment, inventory, working capital, etc., for a loan to your business. A very few banks (including Citibank) can use the new Fastrak program to obtain a guarantee on loans up to \$100,000 with no SBA documentation.

You, the customer, fill out no SBA forms and have no contact with the agency. Finally, under the new Capital Access program available exclusively at Citibank, you can now apply for a Citibank SBA loan up to \$250,000 using a one-page, streamlined application.

For further information, call John Attanasio at 1-800-328-CITI.♦

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Douglas Asofsky is the Director of SBA programs at Citibank, N.A. (This article was reprinted with permission from the February 1997 issue of the National Cleaners Association publication, the NCA-International Bulletin.)

The PROGRAM encourages readers to check with other banks for similar financing opportunities. For help locating financing, call the Environmental Ombudsman Unit at (800) 782-8369.

Drycleaning Update

by Stephen Mohr

Revised State Regulation

On March 19, the Environmental Board passed DEC's proposed perchloroethylene (perc) drycleaning regulation (6NYCRR Part 232), which is slated to replace the federal perc drycleaning regulation that is currently in effect in New York. The state regulation was developed through a negotiated rulemaking process carried out by a diverse committee of stakeholders under an executive order issued during the Cuomo administration.

The federal regulation, National Perchloroethylene Air Emission Standards for Drycleaning Facilities (40CFR Part 63, Subpart M), has been in effect for new facilities since September 1993. It required many existing facilities to retrofit or replace older machines by September 1996 to achieve greater emission control. When the DEC regulation, Part 232, goes into effect, it will require many facilities, both new and existing, to control emissions to a greater degree than the federal regulation requires through stricter equipment standards and various other measures.

Part 232 will be more stringent than the federal regulation in a number of important areas, such as requiring:

- old inefficient transfer machines and some later generations of machines having inefficient emission control systems to be phased out
- a vapor barrier enclosure around the drycleaning machine if the drycleaning facility is located in a mixed-use commercial (strip mall) or residential building (apartment building)

- periodic compliance inspections by private professionals (at the owner's expense) in addition to any inspections carried out by DEC
- drycleaner owners and machine operators to complete mandatory training and certification
- equipment manufacturers to have their drycleaning machines, and certain other emission control equipment, tested and certified for compliance with performance standards

Barring any legal challenges, Part 232 could go into effect as soon as May 1, 1997. Copies of this regulation can be obtained from DEC by calling (518) 457-7688 or by calling either PROGRAM hotline.

Federal Regulation Delegated to State

Drycleaners should be aware that as of December 9, 1996, the EPA has delegated to DEC the authority to implement and enforce the federal perc drycleaning regulations in New York. Therefore, all reports, notifications, or inquiries with respect to the federal regulation should be directed to DEC.

Refrigerated Condenser Standard

The PROGRAM has learned from the Neighborhood Cleaners Association International (NCA-I) that the U.S. Environmental Protection Agency (EPA) has rejected a request from the NCA-I to reconsider the design standard in the federal regulation for refrigerated condensers to reach a temperature of 45°F on the outgoing side of the condenser. The NCA-I has found that many brands of equipment could not meet this requirement but had the same overall perc efficacy (clothes cleaned per gallon of perc) as machines that

could meet the requirement. NCA-I is recommending that drycleaners install thermometers in the proper location, check units with thermometers to see that they are properly located, and record temperature readings as required to monitor performance and comply with regulations.

EPA Publications

The EPA has recently been distributing additional compliance guidance manuals and materials for drycleaners and for regulatory agencies focusing on the perc drycleaning industry. The following documents are available by contacting the PROGRAM:

- Plain English Guide for Perc Drycleaners (this will be made available in Korean and Spanish versions in the coming months)
- Multimedia Inspection Guidance for Drycleaning Facilities
- Drycleaning Sector Compliance Strategy
- Compendium of Drycleaning Education Materials

New York City Regulation

Finally, drycleaners located in New York City are waiting for a hearing to be scheduled on a proposed bill that would ban perc drycleaning operations in buildings where people live. The bill would ban new perc drycleaning plants from locating in residential buildings and require existing plants to close up within two years of the bill's passage. Currently, the New York City Building Code is inconsistent with the State Building and Fire Codes, which prohibit drycleaning operations in buildings with three or more residences.❖

SBAP Case Files, continued from p. 9

The owner was also seeking information about whether or not he needed to comply with Part 229, Petroleum and Volatile Organic Liquid Storage and Transfer. The facility does not have Stage I vapor recovery equipment installed on their gasoline transport trucks.

After some discussion with DEC, SBAP staff determined that this small business could register, based on the facility's annual throughput, and they must comply with Part 229. However, the facility did not need to install Stage I equipment on their trucks

because they only transport gasoline to facilities that are exempt from Stage I requirements. In order to comply with Part 229, this facility is required to provide submerged filling of their gasoline transport vehicles.❖

Part 234 Offset Lithographic Printing Processes: Using Complying Fountain Solutions

February 1997

Part 234, Graphic Arts, is designed to limit the volatile organic compound (VOC) emissions from printing operations. Your location and your total potential VOC emissions determine whether or not you must meet the control requirements of Part 234. All offset printing operations in the New York City Metropolitan Area must comply with Part 234. In Lower Orange County, businesses whose total potential VOC emissions equal or exceed 25 tons per year must comply with Part 234. In upstate New York, businesses whose total potential VOC emissions equal or exceed 50 tons per year must comply with Part 234. All businesses must also obtain a New York State air emissions permit under Part 201, which will specify the upper limit of their VOC emissions.

This fact sheet will briefly tell you what you must do to comply with Part 234. Additional, detailed information is available by calling the toll-free number below.

Fountain Solution Requirements

- For sources in operation before 9/1/88, fountain solution, as used, must contain no more than 15% VOCs by weight.
- For sources in operation after 9/1/88, fountain solution, as used, must contain no more than 10% VOCs by weight.

Recordkeeping

Keep purchase and usage records of inks, VOCs, and solvents. The records must be maintained at the facility for 5 years.

Submit them to the Department of Environmental Conservation (DEC) **only** upon request.

Handling, storing, and disposing of VOCs

Use only **closed** containers to:

- Store cloths or papers that contain VOCs that have been used for pressroom cleanup.
- Store or dispose of inks or surface coatings.

- Store spent or unused VOCs for use in surface preparation or cleanup of inks or coating materials.

Open containers are **not** to be used for such storage because they allow VOC emissions.

Need more facts?

Call the Small Business Assistance Program of the New York State Environmental Facilities Corporation
(800) 780-7227

The New York State
Small Business
Stationary Source
Technical
and
Environmental
Compliance
Assistance
Program

The information in this fact sheet is intended for general reference only; it is not a full and complete statement of the technical or legal requirements associated with the regulation.

A Message From ESD Commissioner Charles A. Gargano and EFC President Terry Agriss

Empire State Development (ESD) and the New York State Environmental Facilities Corporation (EFC) recognize the enormous contributions that small businesses make to New York State's economy. Our goal is to maintain a friendly business climate while satisfying the environmental concerns of citizens.

This newsletter contains important information for businesses who must comply with State and Federal Clean Air Regulations. Inside, you will find various compliance alerts, case studies, and updates on coming regulations. Please review the contents of this newsletter and use it to benefit your business.

Should you have other environmental concerns, contact the PROGRAM so that we may help address them. Finally, by responding to your concerns, we hope to succeed in Empire State Development's ultimate goal of helping businesses grow in New York State and the Environmental Facilities Corporation's ultimate goal of helping businesses comply with environmental regulatory requirements.

We Want to Hear From You!

Got an idea or a suggestion, a problem or a solution, a compliment or a complaint? Let us know! Call either of our hotlines (SBAP: 800-780-7227; Ombudsman: 800-782-8369) or write to us at:

NYS Environmental Facilities Corp.
SBAP
50 Wolf Road
Albany, NY 12205
Attn: Marian J. Mudar, Ph.D.

or
Empire State Development
Division for Small Business
Environmental Ombudsman Unit
633 Third Avenue, 32nd Floor
New York, NY 10017-6706
Attn: Tria G. Case, Esq.

Clean Air News is edited and designed by Amy L. Fowler. Amy is a Technical Information Specialist in the SBAP, provided by the Environmental Facilities Corporation. She brings 10 years of experience communicating technical information to her role writing, editing, and designing SBAP publications. If you have comments or suggestions about the newsletter itself, please call the SBAP hotline and ask for Amy.

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