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## 40 C.F.R. § 63.11170

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### Am I subject to this subpart?

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(a) You are subject to this subpart if you operate an area source of HAP as defined in paragraph (b) of this section, including sources that are part of a tribal, local, State, or Federal facility and you perform one or more of the activities in paragraphs (a)(1) through (3) of this section:

(1) Perform paint stripping using MeCl for the removal of dried paint (including, but not limited to, paint, enamel, varnish, shellac, and lacquer) from wood, metal, plastic, and other substrates.

(2) Perform spray application of coatings, as defined in § 63.11180, to motor vehicles and mobile equipment including operations that are located in stationary structures at fixed locations, and mobile repair and refinishing operations that travel to the customer's location, except spray coating applications that meet the definition of facility maintenance in § 63.11180. However, if you are the owner or operator of a motor vehicle or mobile equipment surface coating operation, you may petition the Administrator for an exemption from the surface coating provisions of this subpart if you can demonstrate, to the satisfaction of the Administrator, that you spray apply no coatings that contain the target HAP, as defined in § 63.11180. Petitions must include a description of the coatings that you spray apply and your certification that you do not spray apply any coatings containing the target HAP. If circumstances change such that you intend to spray apply coatings containing the target HAP, you must submit the initial notification required by § 63.11175 and comply with the requirements of this subpart. On and after May 9, 2023, you may submit a notification to the Administrator that you do not spray apply any target HAP containing coatings, as defined in § 63.11180, in place of a petition. You are still required to retain records that describe the coatings that are spray applied, but that information does not need to be reported to the Administrator. The Administrator maintains the authority to verify records retained on site, including whether the notification of exemption was sufficiently demonstrated. Alternatively, if you are the owner or operator of a motor vehicle or mobile equipment surface coating operation and you wish for a formal determination, you may still petition the Administrator for an exemption from this subpart.

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