New EPA Air Emissions Rule, Nickel Panel at SUR/FIN and EU REACH Guidance

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EPA Finalizes Plating and Polishing Area Source Rule

Under the Clean Air Act, EPA was required to promulgate standards to control the emissions of hazardous air pollutants (HAPs). The statute also required EPA to set standards to control HAP emissions from small or area sources. Under the terms of a court order, EPA must issue area source emissions standards for 55 industry sectors, including plating and polishing operations.

On June 13, 2008 the EPA Administrator signed the final regulation for plating and polishing area sources. The final rule, 40 CFR Part 63, Subpart WWWWWW, was published in the Federal Register on July 1, 2008. The final rule is effective immediately and existing plating and polishing operations must comply with the new regulatory requirements by July 1, 2010.

The plating and polishing processes that are subject to the plating and polishing area source rule are those "processes performed at an affected plating and polishing facility that uses or has the potential to emit" any compound of any of the following metal HAPs: cadmium, chromium, lead, manganese and nickel. This includes electrolytic and non-electrolytic plating and coating processes (*e.g.,* electroplating, conversion coating, sealing and phosphating), electroforming, dry mechanical polishing and thermal spray at approximately 2,900 existing plating and polishing facilities. Processes that use other metals are not subject to the requirements of this rule.

The industry's Government Relations (GR) program has been working closely with EPA officials by providing technical information on a variety of plating and polishing processes in developing the final rule. As a result of these efforts, EPA did not establish emission limits for plating and polishing operations, but required plating and polishing facilities to follow management practices as the generally available control technology (GACT) standards. The management practices included using wetting agents in electroplating tanks, and the capture and control of emissions from thermal spraying and dry mechanical polishing.

EPA noted that additional controls were not necessary because the industry had successfully reduced air emissions through the implementation of management practices and had reduced emissions 95 percent since 1990. Although EPA does anticipate any further reductions from the rule, the management practices will ensure that the reductions would continue. EPA estimates the new standards will cost an average of $1,100 per facility for the first three years.

In response to the industry's comments, EPA made some clarifications in the regulatory language and provided a broader array of management practice options for facilities to implement to comply with the rule. EPA also noted that the final rule does not apply to processes that use cadmium, chromium, lead and nickel in concentrations of less than 0.1 percent by weight and manganese in concentrations of less than 1.0 percent by weight.

The GR office will provide a more detailed summary of the final rule that will be available on the NASF website. If you have any questions or would like additional information on the final rule, please contact Christian Richter or Jeff Hannapel at crichter@thepolicygroup.com or jhannapel@thepolicygroup.com.

SUR/FIN Features Panel Discussion on European Control on Nickel Compounds

The "globalization of regulation" phenomenon has meant new challenges for the surface finishing industry in recent years. Job shops and suppliers in the automotive, electronics, aerospace and other sectors have made major commitments in time, resources and technology innovation to comply with expansive European mandates restricting certain metals and chemicals in products.

Just as the industry was mastering the new reality of product-based rules for chromium, cadmium and lead under the automotive (ELV) and electronics (RoHS/WEEE) directives, the European Union is now vastly expanding chemicals regulation through the Registration, Evaluation and Authorization of Chemicals (REACH) legislation and advancing major cancer classification and labeling requirements under its Dangerous Substances Directive for over 140 nickel compounds. The new nickel rules will cover nickel carbonate, nickel sulfate and other basic materials used in finishing.

The NASF has been monitoring nickel science and regulatory activity in the U.S. and the European Union for some time. With the recent nickel decisions, the NASF is concerned that these decisions could have major economic impacts on the industry. At SUR/FIN in Indianapolis, a panel of experts from the nickel manufacturing, automotive, aerospace, and defense industries discussed the potential impacts that these recent developments may on surface finishing processes, including: the implementation of new reporting requirements, compliance with new regulatory controls under the EU REACH chemicals legislation and other requirements, and potential disruption of nickel uses in the major finishing supply chains. The presentations from the SUR/FIN panel are available on the NASF website

In response to these developments and potential impacts, the NASF is now launching a major effort, in collaboration with the Nickel Institute, to oppose implementation of the new nickel classification and labeling scheme. Among other activities, the NASF is working to prompt the US Trade Representative to join 16 other nations - including Canada and Australia - and formally oppose the EU decision at the World Trade Organization's Technical Barriers to Trade Committee.

NASF Developing EU REACH Guidance for Members

An increasing number of NASF members are being asked by customers for guidance on compliance with REACH legislation. The NASF GR program is developing a guidance document that will help both job shops and suppliers understand the requirements under REACH and how to respond appropriately to inquiries about compliance with REACH. Specifically, the guidance will address the requirements for plated products, chemicals and equipment that are exported to Europe, the application of the "article exemption" under REACH, and the process for registering chemicals under REACH where necessary. The guidance is expected to be completed later this summer and will be available to NASF members. If you have any questions about the guidance, please contact Christian Richter or Jeff Hannapel at crichter@thepolicygroup.com or jhannapel@thepolicygroup.com. ***P&SF***

Test Your Plating I.Q. #443

By Dr. James H. Lindsay

Filtration

1. List some sources of solid particle contamination that can plague a plating line
2. What size of particulates does conventional filtration cover?
3. Diatomaceous earth is appropriate to alkaline and cyanide plating solutions (True or False)
4. Process tanks that use filtration require agitation to _____.
5. What are some of the available membrane filtration techniques?

Answers on page 36.