



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

March 30, 2010

Mr. Michael Fitzpatrick  
Michael Fitzpatrick Auto Refinishing  
411 Quarantina St. #A  
Santa Barbara, CA 93103

Dear Mr. Fitzpatrick,

The United States Environmental Protection Agency ("EPA") is in receipt of your letter dated March 12, 2010, in which you petition for an exemption from the National Emission Standard for Hazardous Air Pollutants (NESHAP) regulations for Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources, contained in 40 CFR Part 63, Subpart HHHHHH. Your petition concerns the Michael Fitzpatrick Auto Refinishing facility at 411 Quarantina St. #A in Santa Barbara, CA (the Facility).

To obtain an exemption, 40 CFR Section 63.11170(a)(2) requires that as the owner or operator of a motor vehicle surface coating operation you demonstrate, to EPA's satisfaction, that you spray apply no coatings that contain target Hazardous Air Pollutants (HAPs), as defined in Section 63.11180. The petition 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 HAPs.

Based upon the information provided in your petition for the Facility and your signed certification that none of the coatings sprayed at the Facility contain the target HAPs, EPA has determined that the Facility is exempt from Subpart HHHHHH requirements for its spray-applied coating activities.

Note that this exemption applies only to spray-applied coating activities. If the Facility performs other activities subject to Subpart HHHHHH, such as paint stripping using methylene chloride (MeCl), then the facility would still need to comply with applicable provisions of Subpart HHHHHH, including the requirement for submission of an initial notification letter describing those activities.

You must maintain a record of this exemption on site at your facility for as long as you perform motor vehicle and mobile equipment surface coating operations. If circumstances change such that your facility intends to spray apply coatings containing any target HAP, the owner or operator must submit the initial notification required by Section 63.11175 and comply with the requirements of this subpart.

This exemption is based on information that you have provided to us. Nothing in this exemption shall be construed as limiting the ability of EPA or delegated agencies to pursue enforcement action, if it is determined that your facility was not eligible for this exemption or for any other violations under the Clean Air Act. Providing false information to a federal official is a criminal violation pursuant to federal law, 18 U.S.C. Section 1001.

If you have any questions regarding this response, please contact Joe Westersund of my staff at (415) 972-3841.

Sincerely,

A handwritten signature in black ink, appearing to read 'DD', with a horizontal line extending to the right.

Douglas K. McDaniel  
Chief, Enforcement Office  
Air Division

cc: Santa Barbara County APCD