



April 14, 2008

NESHAP: Area Source Standards for Plating and Polishing Docket
Environmental Protection Agency
Air and Radiation Docket and Information Center
Mailcode: 2822T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

RE: Docket ID No. EPA-HQ-OAR-2005-0084, 73 FR 14126-14151 (March 14, 2008)
National Emission Standards for Hazardous Air Pollutants (NESHAP): Area
Source Standards for Plating and Polishing Operations; Proposed Rule

IPC-Association Connecting Electronics Industries is pleased to submit the following comments in response to the above referenced proposed NESHAP Area Source Standards for Plating and Polishing Operations. While we appreciate EPA's attempt to balance the burden imposed on the small businesses impacted by this proposal, IPC is concerned that the proposed NESHAP requirements are more extensive than appropriate for controlling the impact posed by these low-emitting facilities. IPC believes that EPA has underestimated the burden associated with compliance and urges EPA to recalculate the estimated cost impacts of the proposed NESHAP. IPC urges EPA to revise the proposed rule by minimizing the reporting requirements, removing the requirement to comply with all specified management and pollution prevention practices, and establishing a *de minimis* exemption. IPC also encourages EPA to develop a comprehensive outreach program to raise awareness among affected facilities.

IPC is the national trade association for the electronics interconnection industry, and represents more than 2500 member companies. IPC members manufacture printed circuit boards (PCBs) and electronic assemblies, which are used in a variety of electronic devices including computers, cell phones, pacemakers, and sophisticated missile defense systems. Although IPC members include electronic giants, sixty percent of IPC members meet the Small Business Administration's definition of "small business." The typical IPC member has 100 employees and has a profit margin of less than four percent.

IPC recommends that EPA establish a *de minimis* exemption to ensure that facilities with negligible emissions are not burdened by the requirements of the proposed NESHAP. IPC is concerned that the proposed NESHAP will adversely impact small businesses in

the plating and polishing area source, which include PCB manufacturers engaged in processes such as electroplating and electroless plating. According to EPA's own analyses, between 92 and 98 percent of the plating and polishing area source category is comprised of small businesses, with 50 percent of the facilities in this source category employing less than 10 employees. EPA also notes that "there are no additional air emission reductions as a result of the proposed rule," in effect stating that this rule has no expected environmental benefit. Given that the facilities affected by this proposed rule mainly consist of small businesses with insignificant emissions, IPC urges EPA to establish a *de minimis* exemption.

IPC believes that EPA has misrepresented the list of management and pollution prevention practices. EPA's proposal mandates compliance with five management and pollution prevention practices that EPA deems is standard industry practice. These practices include minimizing bath agitation when removing and plating parts; maximizing dripping of tank solution back into bath by extending drip time when removing the tank objects and using drain boards; optimizing the design of barrels, racks, and parts to minimize dragout of bath solution; using tank covers whenever possible; and minimizing or reducing heating during tank operation and when the tanks are not in use. EPA must recognize that while the above listed practices are a summation of control measures employed by industry, the specific management practices varies between facilities. Only a subset of the prescribed practices may be appropriate for application by all facilities. As such, IPC urges EPA to only require facilities to comply with the management practices that are applicable to its operations and processes and not mandate compliance with the full list.

IPC is concerned that the proposed NESHAP creates an unjustifiable administrative burden for small businesses. The proposed NESHAP requires extensive notification, reporting and recordkeeping requirements that would be extremely burdensome for a small business. Small businesses which have never before been subject to a NESHAP would be required to submit two one-time notifications (i.e. the Initial Notification and the Notification of Compliance Status), an annual Certification of Compliance, and, if a deviation occurred, a Report of Deviations. In addition, affected facilities would also be required to keep records of the required notifications, documentation supporting the notifications, and other records needed to demonstrate continued compliance with the proposed rule. IPC urges EPA to minimize the administrative requirements to appropriately reflect the negligible risk posed by these small businesses with marginal emissions.

IPC believes that EPA has underestimated the burden imposed on affected facilities. EPA estimates total compliance costs at \$1,115 per facility in the first year. Reading and understanding the NESHAP requirements alone could take a facility a minimum of one week's worth of work, which would undoubtedly exceed EPA's estimated cost burden of \$1,115 per facility in the first year. IPC urges EPA to recalculate the cost impacts to

accurately reflect the burden associated with the proposed notification, reporting and recordkeeping requirements.

IPC urges EPA to provide adequate compliance assistance and outreach to affected businesses. EPA and the states must educate affected facilities and raise awareness about the proposed NESHAP. Outreach programs and compliance resources should be provided well in advance of rule implementation so that employees are adequately trained on the new rules. Otherwise, businesses may be unknowingly vulnerable to enforcement action.

IPC understands and supports the need for cost effective, science-based regulations that are protective of the public welfare and environment. EPA must revise its proposed NESHAP for the Plating and Polishing Operations to reflect the marginal emissions associated with this area source. IPC urges EPA to include a *de minimus* exemption for facilities with negligible emissions. EPA must take into account the unwarranted burden placed on small businesses and recalculate the costs associated with rule compliance. EPA should also revise its management practices requirement so that facilities are not obligated to comply with practices that are not applicable. IPC encourages EPA to establish an outreach program to effectively communicate the requirements of the final NESHAP rule. We look forward to working with EPA during its review of the proposed rule. Should you have any questions, please contact Sahar Osman-Sypher at 703-522-0225 or saharosman-sypher@ipc.org.

Sincerely,

Sahar Osman-Sypher
Project Manager, Environmental, Health & Safety