



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region8

Ref: 8ARD-PM

Stephen Kohut
Tesla Inc.
450 East 52nd Avenue
Denver, Colorado 80216

Re: Petition for Exemption from 40 CFR Part 63, Subpart HHHHHH

Dear Mr. Kohut:

This letter is in response to your May 5, 2020 petition for exemption (petition) from the motor vehicle and mobile equipment surface coating requirements of the National Emission Standard for Hazardous Air Pollutants, Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources, 40 CFR part 63, subpart HHHHHH (Subpart HHHHHH) for the Tesla facility located at 450 East 52nd Avenue, Denver, Colorado. The U.S. Environmental Protection Agency grants your petition for exemption.

To obtain an exemption, 40 CFR 63.11170(a)(2) requires that as the owner or operator of a motor vehicle surface coating operation you demonstrate, to the EPA's satisfaction, that you spray apply no coatings that contain the target hazardous air pollutants (HAP), as defined in 40 CFR 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 HAP.

Based upon the information provided in your petition for the Tesla facility and your signed certification that none of the coatings sprayed at this facility contain the target HAP, the Tesla facility located at 450 East 52nd Avenue, Denver, Colorado is exempt from the Subpart HHHHHH requirements for its spray-applied coating activities, but it must still comply with any applicable requirements for paint stripping when using methylene chloride.

Keep a record of the exemption on site at your facilities for as long as you perform motor vehicle and mobile equipment surface coating operations. If circumstances change such that you intend to spray apply coatings containing any target HAP, the owner or operator must submit the initial notification required by 40 CFR 63.11175 and comply with the requirements of Subpart HHHHHH.

This exemption is based on information that you have provided to the EPA. Nothing in this exemption shall be construed as limiting the ability of the EPA or delegated agencies to pursue enforcement action, if it is determined that you were 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 Daniel Fagnant, of my staff, at (303) 312-6927 or at fagnant.daniel@epa.gov.

Sincerely,

12/14/2020

 Carl Daly

Signed by: CARL DALY

Carl Daly
Acting Director
Air and Radiation Division

cc: Christine Hoefler, Colorado Department of Public Health and Environment
Elizabeth Pilson, Colorado Department of Public Health and Environment