

## INSIDE INFORMATION

# Powder coating and the permit process—not as easy as it seems

Michael Santolupo

*Powder Coating Consultants  
Division of Ninan, Inc.*

**P**ermitting is a touchy subject among finishers. The permitting laws and regulations are difficult to interpret, and determining which ones apply in a particular project is a formidable task. To complicate the situation further, different types of permits are required. Some permits treat operational issues, such as the safe handling of the by-products of the manufacturing process; other permits deal with the proper construction of the manufacturing plant itself.

Getting the necessary permits to reduce plant liability is arduous because permitting is generally the least understood aspect of the business. Permit requirements are fairly technical. As a result, the engineering department is usually involved in trying to sort them out. In general, engineers quickly realize that the requirements, in most cases, are only guidelines for further discussion with the permitting agency and that interpretation of the permitting requirements is fairly subjective. Add to this the fact that many permitting agencies are unfamiliar with the powder coating process and you can see how frustrating permitting can be.

Even so, there are ways to successfully navigate through the rough

permitting waters. That there are successful powder coating businesses operating under the necessary permits attests to that. The permitting process is basically a negotiation best conducted by businesspeople for the promotion of their businesses. Engineers are a resource that can be used to support this effort.

### **Determine which permits are required**

Determining which permits are required to install and operate your powder coating equipment is the first step in the permitting process. To do this, you must contact the appropriate federal, state, and local agencies. At this point, you should focus the discussion on the nature of the powder coating process. Remember, the official you are speaking with probably knows less about powder coating than you do; therefore, it's important to patiently explain the situation to get more knowledge about the permitting process.

Most officials will react favorably either by providing information about the next step in the permitting process or by leading you to an official who can. As part of this fact-finding effort, you can contact other

manufacturers in the jurisdiction to determine if they are using or are considering powder coating. If so, you have common ground for the exchange of information concerning permits, which could prove beneficial to all.

### **Begin the application process**

The formal application process begins once you identify the permits necessary for building and operating the powder coating line. After filling out the requisite forms, you must allow inspectors to verify the data on site.

For example, in the case of building permits, the building inspector comes out to your plant to verify that the powder coating equipment meets installation specifications. In the case of operational permits, environmental agencies audit the operation of the powder coating line to verify that the effluents and waste are treated and disposed of properly. However, getting the permit and keeping the powder coating operation compliant with the terms and conditions of the permit are two different things.

Most of the problems encountered during the permitting process stem

from a failure to communicate. On-site inspections are an important means of communication among the interested parties. In many cases, however, this is forgotten and the possibility of plant inspections is viewed as an invasion of privacy. This is unfortunate because the permitting agencies can sense this defensiveness, which invites even closer scrutiny than before. You can see the self-fulfilling prophesy here: The closer scrutiny can certainly be construed as an invasion of privacy. Clearly, this isn't a healthy environment in which to conduct business.

Here's a different perspective to think about. How many times do you conduct plant tours? Do you conduct them for potential customers, business groups such as the Rotary Club, and community groups including schools and the Scouts? Why do you do it? You do it for public relations, of course. The point is that because tours are freely offered, they're conducted in a decidedly upbeat environment. Managers and other employees are proud of their plant and what they do there. As a result, they are more than happy to accommodate the visitor.

No one is implying, of course, that you conduct inspections exactly as a tour; however, you could view them as a necessary public relations effort in support of a business-like approach to getting and maintaining your permits. This perspective enables you to establish a cordial business relationship.

Okay, enough has been mentioned from the applicant's viewpoint on permits. It's now time to view matters more objectively than that. First and foremost, in an ideal world, all the applicable codes and regulations would cover every situation and nuance that has to do with installing and operating a powder coating line. If this were the case, the local, state, and federal authorities would only have to cite the specific paragraph of the code and everyone would be on the same page, so to speak. This isn't the case, however, because codes are fairly generic and easily open to subjective interpretation. To make matters worse, local, state, and federal

codes can appear to contradict each other at times.

In an ideal world, the permitting agency would act as an ombudsman, that is, the agency would help you understand the ground rules and be more active in the application process. For example, at the onset of the application process, the cognizant agency would explain the administrative, technical, and legal considerations to you. This information can be very valuable during the planning stages of a powder coating line.

As a case in point, let's say that while applying for a building permit, it becomes apparent that the local code concerning powder coating is ambiguous. In other words, the building inspector considers it a process that requires the environmental room to have a 4-hour fire rating and cites a section in the code as proof. Meanwhile, you cite another section in the code that requires only 1 hour. The cost of a 4-hour-rated environmental room is such that all prudent businesspeople would avoid it. In the letter of the law, both of you are right. Who do you think wins this argument if push comes to shove?

#### **Include permitting plans in the project schedule**

Given the environmental room example and the fact that the powder coating line is in the planning stages, you can see how the cost of this room can affect capital appropriations. If the local building inspector insists on a 4-hour fire rating, you may have to compromise in other areas of the powder coating project.

But let's say the environmental room had already been built to a 1-hour fire rating with the idea that the local authorities would see it that way. You have three options here: (1) bring the room up to code (incurring the unforeseen expense), (2) proceed without the permit, or (3) appeal.

The point is this: Get to know your authorities. Learn firsthand what they expect for the powder coating line to be compliant with any issued

permits, and do this during the planning stages.

#### **Understand how to appeal and negotiate**

If you need to appeal an interpretation of the code to get a permit, you should understand the appeal process. It may turn out that the process is fairly short, but not as impartial as you would have hoped. On the other hand, the process may be objective, but the hearing and subsequent decision could take many months.

The sooner you understand these ground rules, the sooner you can formulate a contingency plan. If you have a working relationship with the permitting agent, you may have an important resource during the appeal process. It has been known to happen. Occasionally, permitting agents have acknowledged that it was their job to narrowly interpret the code. They have also gone on to explain how to successfully get through the subsequent appeal process. In other words, they may tell you which arguments will work with their superiors.

#### **Consider other resources**

Of course, you don't have to be at the mercy of the permitting agencies. Other resources are available, such as suppliers who support or plan to support the powder coating line. Most, if not all, the major coating powder manufacturers have in-house expertise that can assist in the permitting effort. This doesn't mean they will walk the applications through on your behalf, but they will provide the information you need to get the permit.

They can also assist you and the permitting agency in determining which codes apply. The same can be said of the chemical suppliers who are involved with the surface preparation system. In addition, many consultants specialize in the permitting process. Depending on the circumstances, a consultant can be the best resource, albeit not the least expensive one. The right consultant can provide the concerted effort required to get a permit in a reason-

able amount of time, can understand the legal and technical nuances of the code, and may even be familiar with the permitting agency's staff.

### **All in all**

What makes getting permits for powder coating trickier than it is with some other finishing processes, such as spray painting? Powder coating is a relatively new process and not as prevalent as liquid coating. Because of this, permitting, especially at the local level, requires you to patiently educate officials about the powder coating process.

Just the same, when it comes to permitting, you must research the requirements for getting the permits and establish the ground rules with the cognizant authorities. Ideally, this should be done during the early planning stages of your powder coating line. Getting a permit should be treated as a long lead item and scheduled accordingly. Finally, the permitting process should be treated as a business negotiation. Remember, successful negotiating leaves everyone satisfied. **PC**