

Signed: 7/24/01

Mr. Arthur McMannus
Associated Spring
Bristol Division
18 Main Street
Bristol, CT 06010

RE: Request for Applicability Determination on Halogenated Solvent Cleaning National Emission Standard for Hazardous Air Pollutant (NESHAP) and Title V Operating Permit Program

Dear Mr. McMannus:

The U.S. Environmental Protection Agency (EPA) has reviewed the letter dated July 21, 2000 from Associated Spring located in Bristol, CT regarding applicability to 40 CFR Part 63, Subpart T, halogenated solvent cleaning NESHAP and applicability to the Title V operating permit program. This letter provides you with a written applicability determination.

The July 21, 2000 letter describes the operations at the facility, including the operation of two vapor degreasers that employed methylene chloride as the cleaning solvent. The applicability of the NESHAP standard to Associated Spring, combined with the fact that Associated Spring had the potential to emit more than 10 tons per year of methylene chloride per year, made the facility subject to the requirement to obtain a Title V operating permit. In April 1998, Associated Spring eliminated the use of methylene chloride from its vapor degreasing operations. Associated Spring now uses Hypersolve NPB, a brominated solvent which is comprised of greater than 95% n-Propyl bromide. Associated Spring notified EPA Region I of this change in a letter dated April 20, 1998.

The halogenated solvent NESHAP applies to cleaning machines that use any solvent containing methylene chloride, perchloroethylene, trichloroethylene, 1,1,1-trichloroethane, carbon tetrachloride or chloroform in a total concentration greater than five percent by weight. Because Associated Spring no longer uses one of the listed solvents, and based on your commitment that it will continue in that mode for the foreseeable future, EPA has determined that Associated Spring's vapor degreasers and Associated Spring's facility are no longer subject to the halogenated solvent NESHAP. Because Associated Spring is no longer subject to the halogenated solvent NESHAP and provided that nothing else requires the facility to obtain a Title V operating permit, EPA has determined that the facility is not required to obtain a Title V operating permit.

The question of whether Associated Spring remains subject to Title V is to some extent separate from the question of MACT applicability. A source that has the potential to emit more than 10 tons per year of a hazardous air pollutant (HAP), or 25 tons per year of a combination of HAPs, is considered major and must obtain a Title V permit, regardless of whether it is subject to a NESHAP standard. In many cases, where a change from HAP to non-HAP cleaning solvents occurs, it is reasonable to assume that the change is permanent, that is, that the facility is not likely to switch back to HAP solvents in the future. Where this is the case, it is reasonable to recalculate potential to emit based upon use of the non-HAP solvent. Such a recalculation may result in the facility becoming non-major, in which case it could elect to follow the permitting authority's procedures for termination of its Title V permit. The Title V permitting authority should ask for any information it feels it needs in order to exercise its judgement regarding whether the switch to non-HAP solvents is sufficiently permanent to justify a change in the calculation of potential to emit. If you want to permanently cease use of halogenated solvents and not be considered subject to the standard, you must certify in writing under section 114 that you have no present intention of using the HAP solvents.

Please note, however, that an assumption that a facility has changed its potential to emit by switching solvents may prove false if the facility switches back. Where a facility that switches from HAP solvents to non-HAP and then switches back to HAP solvents, it should be apparent that the potential for use of HAP solvents always existed. While such a change in status may be due to legitimate business needs, permitting authorities should be prepared to use enforcement authorities as appropriate to discourage efforts to circumvent NESHAP and Title V requirements.

It follows that if Associated Spring elects to recommence use of methylene chloride or any other listed solvent in its vapor degreasers, Associated Spring will be subject immediately to the halogenated solvent NESHAP and Associated Spring must obtain a Title V operating permit. In addition, Associated Spring would be required under 40 CFR Part 63 Section 63.9(j) to inform EPA of any change in status within 15 days after the change.

This applicability determination does not relieve Associated Spring of responsibility for complying fully with any and all applicable federal, state and local laws, regulations and permits. If you have any questions about this letter, please call me at (617) 918-1521 or Susan Lancey at (617) 918-1656.

Sincerely yours,

Michael P. Kenyon
Air Branch Chief

cc: Charlie Garlow, EPA HQ
Patricia Embrey, EPA HQ
Ingrid Ward, EPA HQ
Ellen Morris, CT DEP
Gary Rose, CT DEP