

The March 16, 1995,
memorandum Potential to Emit
for MACT Standards –
Guidance on Timing Issues
which this letter relied on has
been withdrawn.

See the January 25, 2018
memorandum titled
Reclassification of Major
Sources as Area Sources Under
Section 112 of the Clean Air
Act



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

JUN 19 2009

Raymond F. Yarmac, P.E.
Principal Consulting Engineer
Sci-Tech, Inc.
185, Silas Deane Highway
Wethersfield, CT 06109

Re: Varflex Corporation- Once In Always In Determination

Dear Mr. Yarmac:

The U.S. Environmental Protection Agency's Region 2 Office (EPA) received your May 19, 2009, letter on behalf of Varflex Corporation, Rome, New York. Varflex requested a variance from complying with 40 CFR 63 Subpart OOOO, the National Emission Standards for Fabric Printing, Coating and Dyeing Surface Coating (aka MACT). Varflex also asked that it be authorized to discontinue its title V permit and be allowed to replace it with a State Facility Permit. Based on the information you provided in your letter and in your June 5, 2009, e-mail, EPA has determined that Varflex is not eligible for a variance from complying with the MACT and it needs to keep its title V permit active. Please review the following discussion which provides the basis for EPA's determination.

Varflex produces flexible tubular protective sleeving for electric conductors and other components. The facility applies either solvent or aqueous based coatings to its products. Its previous title V permit required VOC control but had no reference to Subpart OOOO. This rule was promulgated on May 29, 2003, and required existing major sources of HAPs to come into compliance in three years irrespective of its title V status. Varflex was a major source of HAPs in May, 2006, when it was required to begin complying with this rule. In July, 2008, it began using reformulated coatings and in January, 2009, it also began operating a thermal oxidizer primarily to control volatile organic compounds. It estimated that the projected HAP emissions will be 1.1 tons/year due to these changes. It should be noted that its title V permit expired on March 2, 2009.

Whether a facility needs to comply permanently with a MACT standard or not is determined by EPA's March 16, 1995, "Potential to Emit for MACT Standards-Guidance on Timing Issues", which is also known as the "Once In Always In" policy. This policy clarifies that facilities that are major sources of HAPs on the first compliance date of the standard are required to comply permanently with the MACT standard to ensure that maximum achievable reductions in toxic emissions are achieved and maintained. It should be noted that in order not to be a major source, this facility should

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have obtained a federally enforceable permit limiting its potential to emit below major source threshold for HAPs before the first compliance date. Additionally, the Clean Air Act requires all major sources to obtain a title V permit. It follows that a source that is major for the purposes of any MACT standard will be subject to title V as a major source. Varflex was operated as a major source of Hazardous Air Pollutants (HAP) on the first compliance date (May 28, 2006) for Subpart OOOO and it did not obtain a State Facility Permit to limit its potential to emit before that date. Therefore, according to "Once In Always In" policy, Varflex remains subject to this rule and it is also required to keep its title V permit active. If you have any questions about this letter, please call Umesh Dholakia at (212) 637-4023.

Sincerely,



Steven C. Riva, Chief
Permitting Section

cc: Reggie Parker, NYSDEC, Region 7