

June 23, 2010

Ms. Jennifer D. Shea, P.E.
HRP Associates, Inc.
197 Scott Swamp Road
Farmington, CT 06032

Re: Applicability of 40 CFR 63 Subpart RRRR, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Surface Coating of Metal Furniture and the Title V Operating Permit Program

Dear Ms. Shea:

The U.S. Environmental Protection Agency (EPA) has reviewed your letter dated July 17, 2009 regarding CT Acquisitions LLC DBA Danver (Danver) located in Wallingford, Connecticut (“the Facility”) and the applicability of 40 CFR Part 63 Subpart RRRR, NESHAP for Surface Coating of Metal Furniture (Subpart RRRR) and the Title V operating permit program to the Facility. This letter provides you with a written applicability determination.

The July 17, 2009 letter describes the operations at the Facility. In addition, in emails dated October 13 and 14, 2009, you provided EPA with additional information about the Facility. Danver is a manufacturer of outdoor and indoor stainless steel cabinetry. The Facility had previously operated a perchloroethylene vapor degreaser which caused the Facility to be subject to the Title V Operating Permit Program as a major source. The Facility had also operated wet spray painting booths. The wet spray painting booths were removed from the Facility in February 2006 and the degreaser was put out of service in October 2006 and disassembled. As a result, you contend that the Facility is no longer a “major source” and, for the reasons noted below, is not subject to subpart RRRR.

The Facility previously operated an on-site adhesive spray operation, which was subject to Subpart RRRR as a major source of hazardous air pollutants (HAP). In July 2009, the facility ceased using methylene chloride-based adhesives in conjunction with that operation and now uses a non-HAP containing adhesive material. We understand that Danver has no intention of using HAP-based adhesive material in the future. Based on your letter, we also understand that the current adhesive spray coating operation uses no cleaning materials and that no thinners are added to the adhesive. Your letter asserts that Danver is, therefore, no longer subject to Subpart RRRR because it meets the criteria specified in Section 63.4881(c)(1), i.e., the surface coating conducted at Danver uses only coatings, thinners, and cleaning materials that contain no organic HAP, and as such no longer meets the subpart RRRR applicability criteria.¹

¹ Section 63.4881 provides, in pertinent part: “(a) Except as provided in paragraph (c) of this section, the

Assuming the facts to be as stated in the July 17, 2009 letter, i.e., that the surface coating conducted at the Facility uses only coatings, thinners, and cleaning materials that contain no organic HAP, EPA has determined that operations at the Facility currently meet the criteria in section 63.4881(c)(1) of subpart RRRR. Section 63.4881(c)(1) specifically provides that subpart RRRR does not apply to surface coating conducted at an affected source that uses only coatings, thinners and cleaning materials that contain no organic HAP. As a result, the Facility is currently not subject to Subpart RRRR. However, should the Facility, at some point in the future, resume the use of methylene chloride-based adhesives or any other organic HAP-containing coatings, thinners, or cleaning materials in surface coating operations, thereby no longer meeting the specific criteria in section 63.4881(c)(1), the Facility would be subject to subpart RRRR.

In addition to addressing the applicability of Subpart RRRR, you have asked for a determination that the Facility is not required to continue to maintain its Title V operating permit since the Facility is no longer subject to Subpart RRRR and is no longer a major source. As discussed above, the Facility is no longer subject to Subpart RRRR and is, therefore, no longer subject to the requirements of Title V based on Subpart RRRR applicability. As the relevant permitting authority, the Connecticut Department of Environmental Protection must determine whether the Facility is otherwise subject to Title V.

This applicability determination is made in reliance on the accuracy of the information provided to EPA, and does not relieve Danver of the 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 contact Susan Lancey of my staff at (617) 918-1656.

Sincerely,

David B. Conroy
Manager, Air Programs Branch

Enclosure

cc: Raquel Herrera, CT DEP
Gary Rose, CT DEP

source category to which this subpart applies is surface coating of metal furniture. ... (c) This subpart does not apply to surface coating that meets any of the criteria of paragraphs (c)(1) through (6) of this section. (1) Surface coating conducted at an affected source that uses only coatings, thinners, and cleaning materials that contain no organic HAP.”