



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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Phone 800-227-8917
<http://www.epa.gov/region08>

Ref: 8ENF-AT

NOV 27 2012

Andrew Arneson
HSE Manager
Vestas Towers America Inc.
100 Towers Road
Pueblo, CO 81004

RE: Request for Applicability Determination

Dear Mr. Arneson:

The United States Environmental Protection Agency (EPA) is responding to Vestas' February 10, 2012 letter regarding an applicability determination under the National Emission Standards for Hazardous Air Pollutants (NESHAP) Subpart XXXXXX ("Subpart 6X")¹ for the Vestas facility located at 100 Towers Road, Pueblo, CO. Specifically, in the February 10, 2012 letter Vestas was seeking clarification as to whether or not Subpart 6X applies and if Vestas is subject to the notification, record-keeping and reporting requirements of the regulation. As described below, the EPA has determined that Vestas is not subject to Subpart 6X.

The Colorado Department of Public Health and the Environment (CDPHE) has determined that Vestas is considered a major source of hazardous air pollutants (HAP). This is evidenced by the fact that Condition #9 of CDPHE's March 25, 2011 construction permit issued to Vestas (Permit No: 08PB0896)² indicates that Vestas is subject to NESHAP Subpart MMMM.³ A source is subject to Subpart MMMM if it is "a major source, is located at a major source, or is part of a major source of emissions of HAP." See 40 C.F.R. § 63.3881(b).

¹ Subpart XXXXXX, 40 C.F.R. §§ 63.11514 *et seq*, is entitled "National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories."

² Vestas' February 10, 2012 letter indicates that the facility location is 100 Towers Road, Pueblo, CO. CDPHE Permit # 08PB0896 states that the permit applies to the facility located at I-25 and Lime Road, Pueblo, CO. In an email to Laurie Ostrand, EPA, dated November 19, 2012, Andrew Arneson, Vestas HSE Manager, indicated that these two locations are one in the same.

³ Subpart MMMM, 40 C.F.R. §§ 63.3880 *et seq*, is entitled "National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products."

Subpart 6X, however, applies to area sources. See 40 C.F.R. § 63.11514(a). An area source is defined as "any stationary source of hazardous air pollutants that is not a major source as defined in this part." See 40 C.F.R. § 63.2. Because Vestas' facility, located at 100 Towers Road, Pueblo, CO, is considered a major source of HAP it is not subject to Subpart 6X, which applies to areas sources. Because Vestas is not subject to Subpart 6X, Vestas would not be subject to the notification, record-keeping and reporting requirements of the regulation.

If you have any questions or concerns regarding this letter, please contact Laurie Ostrand of my staff at (303) 312-6437 or by email at ostrand.laurie@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Cynthia J. Reynolds". The signature is fluid and cursive, with the first name "Cynthia" being more prominent.

Cynthia J. Reynolds, Director
Technical Enforcement Program

cc: Elizabeth Pilson, elizabeth.pilson@state.co.us
Jeremy Neustifler, jeremy.neustifter@state.co.us