

Selected EPA Guidance Documents	Fact Pattern	Comments
<p>“Potential to Emit for MACT Standards – Guidance on Timing Issues,” Memo from John S. Seitz, Director, Office of Air Quality Planning and Standards, dated May 16, 1995 (found at: https://www.epa.gov/sites/production/files/2015-08/documents/pteguid.pdf)</p> <p><i>See also:</i> “Varflex Corporation – Once In Always In Determination,” letter from EPA Region 2, dated June 19, 2009 (found at: https://www.epa.gov/sites/production/files/2015-08/documents/onceinalwaysin.pdf).</p>	<p>Facility that is major source for HAP on the first compliance date in an applicable NESHAP.</p> <p>Subsequent to compliance date, source either a) applies MACT to reduce its emissions to levels below major thresholds, and/or b) begins using different VOCs after compliance date (e.g. begins using solvents not listed in Subpart T).</p>	<p>Once in always in – source remains major source and subject to NESHAP or MACT standard¹, as well as Title V permit requirements.</p>
<p>“Halogenated Solvent NESHAP (Subpart T) Q&A’s,” dated February 3, 2000. Found at: https://www.epa.gov/sites/production/files/2015-06/documents/halogenated_q_a_2_2000.pdf.</p>	<p>Existing facility operating halogenated solvent cleaning machine was major source for purposes of subpart T on the first compliance date, but subsequently removed that machine and replaced it with new technology that has PTE that is less than major source threshold. Emissions from that machine are the <u>only</u> hazardous air pollutants at the facility, and facility is minor for criteria pollutants.</p>	<p>New solvent cleaning machine considered new source at non-major facility upon its startup, for purposes of subpart T. Facility can also be deferred from Title V permitting (so long as Title V not otherwise triggered).</p>
<p>“Request for Applicability Determination on Halogenated Solvent Cleaning National Emission Standard for Hazardous Air Pollutant (NESHAP) and Title V Operating Permit Program,” Letter from EPA Region 1, dated July 24, 2001. Found at: https://www.epa.gov/sites/production/files/2015-06/documents/neshap_titlev_compliance.pdf</p>	<p>Facility operates two vapor degreasers with PTE of > 10 tpy methylene chloride (HAP). Facility then eliminates use of methylene chloride and certifies in writing to EPA “that it will continue in that mode for the foreseeable future” (i.e., facility is not likely to switch back to HAP solvent in future).</p>	<p>Degreasers and facility no longer subject to subpart T. Furthermore, if recalculation of facility’s PTE based upon use of non-HAP solvent results in facility no longer being major, facility also no longer subject to Title V.</p>

¹**Disclaimer:** This document summarizes pre-existing EPA documents and does not constitute a rule or regulation or final agency action. The guidance it contains may not apply to any particular situation based upon the individual facts and circumstances. References or links to information cited in this document are subject to change. For any final determinations, EPA recommends that you consult your State or local air pollution control agency.

		<p><u>Caution:</u> permitting authority should ask for information it feels necessary to establish that switch to non-HAP solvent is “sufficiently permanent.” Intent is to discourage sources from circumventing NESHAP/Title V requirements by switching back and forth between HAP and non-HAP solvents.</p>
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