

December 14, 2006

Mr. Steven Burke
Senior Environmental Engineer
United States Surgical
195 McDermott Road
North Haven, Connecticut 06473

Re: Applicability Determination for 40 CFR Part 63, Subpart M, National
Perchloroethylene Air Emission Standards for Dry Cleaning Facilities

Dear Mr. Burke:

The U.S. Environmental Protection Agency (EPA) has reviewed the letter dated September 1, 2006, from United States Surgical located in North Haven, Connecticut (US Surgical) (enclosed). The September 1, 2006, letter requested clarification from EPA on the applicability of the perchloroethylene air emission standards for dry cleaning facilities (Dry Cleaning Facilities NESHAP) to a dry cleaning machine currently installed at US Surgical's North Haven facility. You have asked whether the dry cleaning machine is subject to the requirements for a "new" source which commenced construction or reconstruction on or after December 21, 2005, or whether it is subject to the requirements for a source that commenced construction or reconstruction before that date. This letter provides you with a written applicability determination.

The September 1, 2006, letter explains that US Surgical owns a dry cleaning machine that was originally built and installed at its North Haven facility in 1998. As such, it was regulated as a "new" source under the Dry Cleaning Facilities NESHAP as then promulgated. The dry cleaning machine was later removed from service and sent to a sister facility. However, in June 2003, the dry cleaning machine was returned to US Surgical in North Haven, Connecticut and re-installed there in March 2006. Since EPA had proposed amendments to the Dry Cleaning Facilities NESHAP on December 21, 2005 (promulgated on July 27, 2006), you asked whether the amended new source requirements would apply to the returned machine, or whether the machine would remain subject to the previous new source requirements and any existing source requirements that became applicable under the amended NESHAP. In an email dated September 21, 2006 (enclosed), you clarified that the North Haven facility does not contain any dwelling or housing. Therefore, the dry cleaning machine is not located in a building with a residence. In emails dated September 27, 2006, and September 28, 2006 (enclosed), you further clarified that no alterations or modifications were made to the machine, other than maintenance. You also confirmed that you have not replaced the washer or dryer on the machine. The dry cleaning machine is a dry-to-dry machine and therefore does not have a reclaimer.

On March 5, 1994, EPA issued a policy memorandum titled “Dry Cleaning Regulation: Clarification re Definition of Construction” (enclosed). The memorandum clarifies that relocation of an existing dry cleaning machine by its owner does not constitute installation for the purpose of the term “construction”. The memorandum states that it is therefore not a “new” facility for purposes of the regulation if an owner of an existing machine moves it to a new location. See 40 C.F.R. section 63.321’s definition of the term “construction.” In addition, the regulation defines reconstruction to mean replacement of a washer, dryer or reclaimer; or replacement of any components of a dry cleaning system to such an extent that the fixed capital cost of the new components exceeds 50 % of the fixed capital cost that would be required to construct a comparable new source. See *id.*, definition of “reconstruction.”

EPA has determined that the relocation of the dry cleaning machine discussed in the September 1, 2006, letter does not constitute construction or reconstruction under the regulation. It is not construction for the same reasons discussed in our March 5, 1994, memorandum, and it is not reconstruction because you have not altered the machine nor replaced a washer, dryer, reclaimer, or any other components in the machine that exceed the 50 % fixed capital cost threshold. Therefore, EPA has determined that because US Surgical’s dry cleaning machine was neither constructed nor reconstructed on or after December 21, 2005, it is subject to the requirements for a source that commenced construction or reconstruction on or after December 9, 1991, and before December 21, 2005.

This applicability determination relies upon the accuracy of the information submitted in the September 1, 2006, letter and subsequent emails from you. Moreover, this determination does not relieve US Surgical 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 Susan Lancey of my staff at (617) 918-1656.

Sincerely,

David B. Conroy, Chief
Air Programs Branch

Enclosures

cc: Ellen Pierce, CT DEP
Gary Rose, CT DEP