

March 19, 1998

Mr. Kevin Tubbs
Director, Environmental Technology
American Standard
One Central Avenue
Piscataway, New Jersey 08855-6820

Dear Mr. Tubbs:

This is in response to your February 3, 1998 letter to Richard Wilson, Acting Assistant Administrator, Office of Air and Radiation, requesting an interim policy determination related to the New Source Review/Prevention of Significant Deterioration (NSR/PSD) significance level for ozone-depleting substances (ODS). I understand that your concern focuses on very small amounts of potential fugitive emissions from refrigeration and air-conditioning equipment.

On July 23, 1996, the Environmental Protection Agency (EPA) proposed a significance level of 100 tons per year (TPY) for ODS. The EPA received no adverse comments on this proposed significance level. In addition, the EPA recently responded to a similar request made by the State of Louisiana's Department of Environmental Quality, stating that EPA would have no objection to the State not conducting a PSD review for ODS emissions from a chlorofluorocarbon (CFC) recycling and reclamation facility that would potentially emit substantially less than 100 TPY of ODS.

The EPA has reviewed the emissions characteristics associated with refrigeration and air-conditioning units, such as commercial refrigeration, industrial chillers, all types of air conditioners, and other related refrigeration equipment. In cases where a source is adding cooling capacity, EPA believes that potential emissions from the added refrigeration and air-conditioning units will be significantly less than 100 TPY. Our understanding is that any anticipated emissions from these units would primarily be fugitive, estimated between 5 and 20 pounds per year. The EPA's current refrigerant recovery and leak repair requirements and the high price of refrigerants help to ensure that these emissions will remain minuscule. In light of these and other factors, EPA will not object to a State or local air pollution control agency's decision not to conduct a PSD review for refrigeration and air-conditioning units with the potential to emit ODS in relatively minute quantities.

This response has been coordinated with EPA's Office of General Counsel, Office of Enforcement and Compliance Assurance, and Office of Atmospheric Programs. If you have any questions or concerns on this issue, please contact David Solomon of the Integrated Implementation Group at (919) 541-5375.

I appreciate the opportunity to be of service and trust that this information will be helpful to you.

Sincerely,

/s/ Henry Thomas for

John S. Seitz
Director
Office of Air Quality Planning
and Standards

cc: Bruce Buckheit, Director, Air Enforcement Division, OECA
Alan Eckert, Associate General Counsel, Air and Radiation Division, OGC
Paul Stolpman, OAP