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**GUIDANCE FOR IMPLEMENTATION OF 310 CMR 7.18(8)(a) VOC RACT
STANDARDS FOR FACILITIES THAT UTILIZE COLD CLEANING DEGREASING**

Summary: The Massachusetts Department of Environmental Protection (MassDEP) is issuing this guidance to:

- 1) allow facilities that utilize cold cleaning degreasers subject to 310 CMR 7.18(8)(a) to use noncompliant solvents **purchased by the facility prior to September 6, 2009**, until April 1, 2010 (the start of the next ozone season), and;
- 2) provide regulatory clarification regarding the relationship of this new Volatile Organic Compounds (VOC) Reasonably Available Control Technology (RACT) regulation to existing Air Quality Plan Approvals.

Background: On March 6, 2009, MassDEP revised its Solvent Metal Degreasing regulation that applies to cold cleaning degreasing, 310 CMR 7.18(8)(a)¹, to reduce emissions of VOCs from these operations. This new VOC RACT regulation applies to any person who owns, operates, leases or controls a solvent metal degreasing facility that utilizes any cold cleaning degreaser (with some exceptions), and the regulation has an effective date of September 6, 2009. Cold cleaning degreasers range in size from bench-top units used to degrease small metal parts to industrial-sized cold cleaners. For more information about the revised regulation see MassDEP's Solvent Metal Degreasing: Regulatory Update at <http://www.mass.gov/dep/air/laws/smdgfs.doc>.

MassDEP recognizes that the recently revised cold cleaning degreasing regulations affect many companies' operations in Massachusetts, that many owners/operators of companies only recently became aware of the revised regulation, and that further clarification is needed about required changes to cold solvent degreasing operations to comply with 310 CMR 7.18(8)(a).

Since adoption of the regulation, MassDEP has received a number of comments and inquiries from owners/operators of subject companies, consultants, and chemical distributors concerning

¹ On or after September 6, 2009, no person owning, operating, leasing or controlling any solvent metal degreasing facility which utilizes a cold cleaning degreaser (that is able to contain more than one liter of solvent) shall cause, suffer, allow or permit emissions of volatile organic compounds therefrom unless they comply with the requirements in 310 CMR 7.18(8)(a)1. through 310 CMR 7.18(8)(a)3.

the availability and cost of compliant solvents and the applicability of the new regulation in certain circumstances. Specifically: 1) can noncompliant solvents purchased prior to September 6, 2009, be used; and 2) is the new solvent standard applicable to persons who, since 1990, have received a Plan Approval containing a Best Available Control Technology (BACT) or Lowest Achievable Emission Rate (LAER) standard that was at least as stringent as the RACT standard for cold cleaning degreasing applicable at the time.

1. Deferral of Enforcement:

MassDEP is issuing this guidance to alert the regulated community that MassDEP is deferring enforcement for companies that use noncompliant solvents **purchased prior to September 6, 2009**, in cold cleaning degreasers subject to 310 CMR 7.18(8)(a) until April 1, 2010 (the start of the next ozone season). This deferral does not apply to any other prohibited activity, including, without limitation, the use of noncompliant solvents purchased after September 6, 2009 or the use of noncompliant solvents on and after April 1, 2010 (even if purchased prior to September 6, 2009). In order to benefit from this deferral, each facility must maintain adequate on-site documentation -- to be made available to MassDEP personnel upon request -- that clearly documents the purchase date of any such noncompliant solvent.

2. Clarification of Regulatory Requirements:

This guidance clarifies that the regulatory language in 310 CMR 7.18(1)(f) does not exempt persons who, after 1990, received a MassDEP Plan Approval containing BACT or LAER limits, from complying with future RACT limits, and therefore, any person who owns a solvent metal degreasing facility that utilizes cold cleaning degreasing operations must comply with the new VOC vapor limits in 310 CMR 7.18(8)(a).

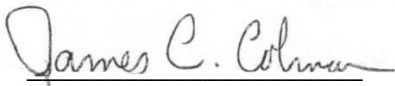
Background on the RACT Standard and Its Relation to BACT/LAER:

RACT generally requires emission reductions from existing sources. The level of control that is determined to be RACT is one that is technologically and economically feasible as either an add-on control or product reformulation. RACT standards may be less stringent than BACT (and LAER) standards that are established at the time of the issuance of a Plan Approval to a facility. However, when technology evolves and the cost of that technology becomes more affordable, more effective controls become available and more economically viable. This may result in a new determination of what is RACT under the regulations.

During recent reviews of existing VOC RACT limits, MassDEP made a determination that its regulation for cold cleaning degreasing operations did not constitute what is currently reasonably available technology in light of the adoption of a vapor pressure limit for solvents used in cold cleaning in a number of other states in the region. In 2008, Massachusetts submitted a State Implementation Plan (SIP) to the U.S. Environmental Protection Agency in which the state committed to a number of changes to VOC RACT standards in order to achieve statewide attainment with the 1997 8-hour ozone standard by 2010. That commitment included proposing amendments to 310 CMR 7.18(8)(a) to include a vapor pressure limitation for solvents used in cold cleaning degreasing operations. Adoption of the new cold cleaning degreasing operations

RACT requirements satisfies Massachusetts' commitment to meet the 8-hour ozone RACT control requirements for this source category.

In 2000, MassDEP adopted 310 CMR 7.18(1)(f) to more clearly state that emission units that have received plan approval since 1990 and which were constructed or modified with a level of control found to be BACT (or LAER), are not subject to VOC RACT standards if that BACT (or LAER) standard was at least as stringent as the VOC RACT standard. The intent of the language in 310 CMR 7.18(1)(f) was to exempt persons who obtained a Plan Approval with a BACT (or LAER) limit as stringent as the VOC RACT standard from also having to comply with the VOC RACT requirements applicable at the time of issuance of the Plan Approval. It was not intended to exempt persons from future applicable VOC RACT standards. That interpretation would prohibit MassDEP from ever adopting more stringent VOC RACT standards for any type of operation that received a Plan Approval after 1990, which is contrary to the purpose of RACT and MassDEP's commitment in its SIP to attain the ozone National Ambient Air Quality Standards.


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10/21/09
Date