



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

via email to veena_raman@coxcolvin.com

May 31, 2023

Mr. Nick M. Petruzzi, PE, CPG, Principal Engineer
Ms. Veena Raman, PE, Senior Engineer
Cox-Colvin & Associates, Inc.
7750 Corporate Boulevard
Plain City, Ohio 43064

RE: Request for 40 CFR Part 63 Subpart ZZZZ Applicability to two Portable Engines
Materion Brush Inc., Elmore, Ohio

Dear Mr. Petruzzi and Ms. Raman:

The U.S. Environmental Protection Agency received and reviewed the April 6, 2023, letter from Cox-Colvin & Associates, Inc. on behalf of its client Materion Brush Inc. (Materion) located in Elmore, Ohio. Your letter requested an applicability determination of 40 CFR part 63 subpart ZZZZ (National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines) for two reciprocating internal combustion engines (RICE) used to power portable vacuum units for cleaning beryllium containing materials. In summary, these engines would meet the definition of nonroad engine per §1068.30 and would not be considered stationary RICE under 40 CFR part 63 subpart ZZZZ.

Background

Per §63.6580, 40 CFR part 63 subpart ZZZZ establishes national emission limitations and operating limitations for hazardous air pollutants (HAP) emitted from stationary RICE located at major and area sources of HAP emissions.

Per §63.6585, the requirements of this subpart are applicable to owners and operators of stationary RICE located at a major or area source of HAP emissions. A stationary RICE is defined in §63.6675 as any internal combustion engine which uses reciprocating motion to convert heat energy into mechanical work and which is not mobile. Stationary RICE differ from mobile RICE in that a stationary RICE **is not a nonroad engine** as defined at §1068.30 and is not used to propel a motor vehicle or a vehicle used solely for competition.

A major source of HAP emissions is defined as a plant site that emits or has the potential to emit any single HAP at a rate of 10 tons (9.07 megagrams) or more per year or any combination of HAP at a rate of 25 tons (22.68 megagrams) or more per year.

An area source of HAP emissions is defined as a source that is not a major source.

The regulation at §1068.30 defines nonroad engine as an internal combustion engine that meets any of the following criteria:

- i. It is (or will be) used in or on a piece of equipment that is self-propelled or serves a dual purpose by both propelling itself and performing another function (such as garden tractors, off-highway mobile cranes and bulldozers).
- ii. It is (or will be) used in or on a piece of equipment that is intended to be propelled while performing its function (such as lawnmowers and string trimmers).
- iii. By itself or in or on a piece of equipment, it is portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Indicia of transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.

The regulation at §1068.30 also states an internal combustion engine **is not a nonroad engine** if it meets any of the following criteria:

- i. The engine is used to propel a motor vehicle, an aircraft, or equipment used solely for competition.
- ii. The engine is regulated under 40 CFR part 60, (or otherwise regulated by a federal New Source Performance Standard promulgated under section 111 of the Clean Air Act (42 U.S.C. 7411)). Note that this criterion does not apply for engines meeting any of the criteria of paragraph (1) of this definition that are voluntarily certified under 40 CFR part 60.
- iii. The engine otherwise included in paragraph (1)(iii) of this definition **remains or will remain at a location for more than 12 consecutive months** or a shorter period of time for an engine located at a seasonal source. A location is any single site at a building, structure, facility, or installation. For any engine (or engines) that replaces an engine at a location and that is intended to perform the same or similar function as the engine replaced, include the time period of both engines in calculating the consecutive time period. An engine located at a seasonal source is an engine that remains at a seasonal source during the full annual operating period of the seasonal source. A seasonal source is a stationary source that remains in a single location on a permanent basis (*i.e.*, at least two years) and that operates at that single location approximately three months (or more) each year. See §1068.31 for provisions that apply if the engine is removed from the location.

Materion's Request

The request letter states the following. Materion operates two portable vacuum units to clean

beryllium containing materials. Each vacuum unit is powered by an engine (P109 and P110) and is on wheels. Engine P109 is a 52 HP propane-fired engine constructed in 1998. Engine P110 is a 102 HP diesel-fired engine constructed in 1991. Materion, which is an area source of HAP, has historically treated these engines as RICE subject to the applicable requirements of 40 CFR part 63 subpart ZZZZ. However, based on the definitions in §1068.30, Materion believes these engines meet the definition of nonroad engines, and per the definitions in §63.6675, a nonroad engine is not considered a stationary RICE and would not be subject to this subpart. Materion believes the engines meet the definition of nonroad engine because they are on wheels and therefore portable.

The EPA received additional information from Materion on May 10, 2023, which clarified that the engines are typically operated a few times per year and are used throughout the Materion facility.

Analysis

Materion's request concerns the applicability of 40 CFR part 63 subpart ZZZZ to site-specific emissions units. EPA is issuing this applicability determination in response to the request, relying on the information provided to it by Materion.

Based on the information provided, the engines in question are capable of being moved from one location to another, are operated at different locations within the Materion facility, and do not remain in the same location for more than 12 consecutive months. Therefore, per the definition of nonroad engine in §1068.30, these engines are considered nonroad engines. Nonroad engines do not meet the §63.6675 definition of stationary RICE and therefore are not subject to the requirements of 40 CFR part 63 subpart ZZZZ. However, if the engines remain at the same location and are not operated in different locations for more than 12 consecutive months, they would no longer be considered nonroad engines and would become subject to the applicable requirements for stationary RICE.

If you have any further questions, please contact Skyler Sanderson, of my staff, at (312) 886-4454.

Sincerely,

DOUGLAS Digitally signed by
DOUGLAS ABURANO
ABURANO Date: 2023.05.31
14:29:04 -05'00'

Douglas Aburano
Manager
Air Programs Branch

(Enclosure/Enclosures)

cc: Andrew Hall
Division of Air Pollution Control
Ohio Environmental Protection Agency