UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

OCT 14 2016

Jeffrey L. Hunter
Perkins Coie LLP
1120 NW Couch Street
10th Floor
Portland, OR 97209-4128

Re: Request for Applicability Determination of NESHAP Subpart 6S

Dear Mr. Hunter:

This letter is response to your July 7, 2016 letter to Mr. Dennis McLerran, EPA Region 10 Administrator, and myself. In your letter, you requested that EPA withdraw our April 12, 2016 letter, sent to the state of Oregon Department of Environmental Quality (ODEQ), providing a non-binding regulatory interpretation of the National Emission Standards For Hazardous Air Pollutants (NESHAP) for Glass Manufacturing Area Sources, 40 CFR Part 63, Subpart SSSSSS (Subpart 6S).

The April 12, 2016 letter was sent in response to ODEQ's request for our guidance. At this time we see no need to withdraw that letter, since we believe our guidance to the state continues to represent our position regarding the applicability of Subpart 6S to tank furnaces. ODEQ has been delegated the authority to implement and enforce Subpart 6S and has determined that Bullseye is subject to the rule.

If Bullseye is interested in having EPA provide an independent determination of applicability to Subpart 6S, we will need a letter from the company with additional factual information about the furnaces and the facility and the specific request for an applicability determination to provide a complete record. EPA would consult with the ODEQ on this process. Should Bullseye be interested in a determination from EPA, they should forward the more detailed request to EPA Region 10.

Internet Address (URL) ● http://www.epa.gov
Recycled/Recyclable ● Printed with Vegetable Oil Based Inks on 100% Postconsumer, Process Chlorine Free Recycled Paper

If you have additional questions, please feel free to contact Patrick Yellin of my staff at 202-564-2970.

Sincerely,

Edward J. Messina, Director
Monitoring, Assistance and Media Programs Division
Office of Compliance