



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1  
5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MASSACHUSETTS 02109-3912

**By EMAIL**

*Dated by electronic signature*

Richard Barry, President  
Barry Industries, Inc.  
60 Walton Street  
Attleboro, MA 02703

Re: Clean Air Act Request for Waiver from Emissions Testing – Beryllium NESHAP

Dear Mr. Barry:

On January 30, 2019, you wrote the United States Environmental Protection Agency (EPA) to disclose that Barry Industries, Inc. (Barry), in Attleboro, Massachusetts, is subject to the National Emission Standards for Hazardous Air Pollutants for Beryllium found at 40 CFR Part 61, Subpart C (Beryllium NESHAP), including the requirement to perform a stack test to determine compliance. You have now requested a waiver of that testing requirement.

EPA issued a Reporting Requirement to Barry on July 22, 2020, requesting additional information about Barry's operations. EPA noted in its Reporting Requirement that emissions from sources subject to the Beryllium NESHAP are restricted to beryllium emissions of less than or equal to 10 grams per 24-hour period (which is equivalent to 0.022 pounds per 24-hour period). The emission testing requirement of the Beryllium NESHAP may be waived under 40 CFR 61.13(h)(1)(iii) and 61.13(i)(1) if, in EPA's judgment, the source has demonstrated by other means that it is meeting the standard.

Barry's response to the Reporting Requirement, dated August 18, 2020, and a subsequent letter on October 30, 2020, explain that Barry uses beryllium oxide (BeO) substrate, comprised of 36% beryllium by weight, in various operations. These include CO2 Laser, trim laser, dicing, snapping, CNC machining, and beveling operations.

In its August 18, 2020 response to EPA, Barry provided data on the amount of BeO substrate processed, the amount of BeO substrate removed, and the BeO substrate emitted. Barry concluded that its beryllium emissions from all operations other than the CO2 Laser operation are insignificant (i.e., four orders of magnitude of 10 below the limit).

Barry submitted supplemental information on October 30, 2020 regarding its actual and potential emissions of beryllium. This information indicated that on its highest emitting day, the facility

emitted approximately 4.5 grams of beryllium into the atmosphere from the CO2 Laser operation, and that the facility's theoretical potential emissions of beryllium from the CO2 Laser operation were 12.7 grams per 24-hour period. This calculation of potential emissions exceeds the Beryllium NESHAP limit of 10 grams per 24-hour period. Based on the information provided, Barry has not demonstrated by means other than a test that the facility meets the Beryllium NESHAP emission standard. Accordingly, EPA does not grant a waiver from testing of the CO2 Laser operation under 40 CFR 61.13(h)(1)(iii) and 61.13(i)(1).

However, EPA finds that Barry has demonstrated that its beryllium emissions from the trim laser, dicing, snapping, CNC machining, and beveling operations are insignificant and would not contribute to emissions in excess of the standard. Accordingly, EPA waives testing of emissions from the trim laser, dicing, snapping, CNC machining, and beveling operations under 40 CFR 61.13(h)(1)(iii) and 61.13(i)(1).

This determination is made in reliance on the accuracy of the information provided to EPA and does not relieve Barry of the responsibility for complying fully with all applicable federal, state and local laws, regulations and permits. Changes in emissions and/or operations may result in cancellation of this determination by written notice in accordance with 40 CFR 61.13(i)(3).

If you have any questions regarding this determination, please contact Tom McCusker, Environmental Engineer at (617) 918-1862 or have your attorney contact Tom Olivier, Senior Enforcement Counsel at (617) 918-1737.

Sincerely,

**DENNIS DEZIEL** Digitally signed by DENNIS  
DEZIEL  
Date: 2020.12.02 18:51:30 -05'00'

Dennis Deziel, Regional Administrator  
Environmental Protection Agency - Region 1 (New England)

cc (via email): Dan DiSalvio, MassDEP SERO