



Air Operating Permit Application and Instructions

Publication No. 94-175 (rev. 7/2011)

Air operating permits (AOPs) are issued for a term of five years. After five years, the AOP must be reissued or "renewed."

Northwest Clean Air Agency will send a permit renewal application to each source before the source's AOP expires. If NWCAA does not send a renewal application to an individual source, that source is still obligated to file a timely and complete application. Unless otherwise specified, NWCAA must receive a complete application at least six months before the permit expires.

NWCAA intends to issue renewal permits before the preceding AOPs expire. However, if a renewal permit is issued after the preceding AOP expires, it is important that a timely and complete renewal application was submitted so that the source has an "application shield." The application shield allows a source to operate without a permit from the date the application is determined or deemed to be complete until the final permit is issued. The applicant must also submit any requested additional information by the deadline specified by NWCAA.

Upon receiving an application, NWCAA has 60 days to determine whether it is complete. If NWCAA determines that an application is not complete within 60 days of receiving the application, NWCAA will notify the source in writing. Otherwise, NWCAA will deem the application complete, except as otherwise provided in WAC 173-401-700(6). Any notification of incompleteness will specify what information is needed to make the application complete, and give a reasonable time frame for the applicant to respond.

If a source submits information to NWCAA under a claim of confidentiality, it should also submit a copy of the information directly to the Environmental Protection Agency (EPA). NWCAA cannot forward your application to EPA. Such information will be treated in accordance with the provisions of 40 CFR Part 2. A claim of confidentiality is subject to both federal law and state law. Each law has different provisions (see below).

EPA Policy on Confidential Business Information:

Section 114(c) of the Clean Air Act requires EPA to make available to the public all records, reports or information obtained under Section 114 of the Clean Air Act, except when a source shows EPA to EPA's satisfaction that such information, other than emissions data, would divulge methods or processes entitled to protection as trade secrets of the person requesting confidential treatment.

The rules governing the confidentiality of business information obtained under Section 114 of the Clean Air Act confirm that emission data is not entitled to confidential treatment. See 40 CFR § 2.301(e) and (f). "Emission data" is defined very broadly as:

(A) Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

(B) Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner or rate of operation of the source); and

(C) A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation or operation constituting the source). See 40 CFR §2.301(a)(2)(i).

EPA believes that all information required to be submitted in an application for a Part 70 permit is "emission data" within the meaning of Section 114 of the Clean Air Act and 40 CFR § 2.301(2) and, therefore, is not entitled to confidential treatment.

NWCAA Position on Confidential Business Information:

The information requested in this Air Operating Permit Application is data concerning emissions, and therefore is not subject to confidentiality protection. However, if information is submitted with the claim of confidentiality, it will be safeguarded until a determination is made as to its true nature.

Revised Code of Washington 70.94.205 is the applicable state law addressing confidentiality. It states that: whenever any records or other information, other than ambient air quality data or emission data, furnished to or obtained by the department of NWCAA or the board of any authority under this chapter, relate to processes or production unique to the owner or operator, or is likely to affect adversely the competitive position of such owner or operator if released to the public or to a competitor, and the owner or operator of such processes or production so certifies, such records or information shall be only for the confidential use of the department of NWCAA or board. Nothing herein shall be construed to prevent the use of records or information by the department of NWCAA or board in compiling or publishing analyses or summaries relating to the general condition of the outdoor atmosphere: PROVIDED, that such analyses or summaries do not reveal any information otherwise confidential under the provisions of this section:

PROVIDED FURTHER, That emission data furnished to or obtained by the department of NWCAA or board shall be correlated with applicable emission limitations and other control measures and shall be available for public inspection during normal business hours at offices of the department of NWCAA or board.

An applicant has the duty to supplement or correct an application. Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application must, upon becoming aware of such failure or incorrect submittal, promptly submit supplementary facts or corrected information. In addition, an applicant must provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a draft permit.

Please submit one paper copy and one electronic copy of the application to:

Northwest Clean Air Agency
Attention: Mark Buford
1600 S. 2nd Street
Mount Vernon, WA 98273

If you claim confidentiality, you must also submit one paper copy of a redacted version of the application and one copy of the confidential application to:

Regional Administrator
EPA Region 10
AOP Program
Mail Stop OAQ-108
1200 Sixth Ave
Seattle, WA 98101

This application includes 14 pages of instructions. The instructions do not need to be submitted with your completed application. A complete application will contain all eight forms and the listed attachments. You may mark up a copy of your current AOP, attach it to your application, and reference it in your application.

If you have questions regarding this application, please contact Mark Buford at (360) 428-1617.



Air Operating Permit Application

Form 1: General Information and Certification

The purpose of form 1 is to record general information for the facility and to obtain signatures from plant personnel verifying that the information provided is true, accurate, and complete.

Renewal Applications must be signed by an authorized responsible official (Corporations: President, secretary, treasurer or vice-president or other duly authorized person as allowed by WAC 173-401-200(27)(a); Partnership: General partner; Sole proprietorship: Proprietor; Public agency: Principal executive officer or ranking elected official). The following specific instructions apply:

General Information and Certification Form

- Item 3. Unified Business Identification Number is the Washington State uniform business identifier.

- Item 15. Claim of Confidentiality: If materials contained in the complete application contain information considered to be confidential by the applicant, check the box adjacent to the word "are". Proceed with submittal of application by simultaneously submitting both the application and a separate application void of the materials considered confidential. Each page considered confidential must be individually identified by stamping "confidential" or similar method. Include in both the confidential and non-confidential versions of the application.



Air Operating Permit Application

Form 1: General Information and Certification

1. Company Name: _____
2. Plant or Facility Name: _____
3. Existing Air Operating Permit Number: _____
4. Unified Business Identification Number (UBI#): _____
5. Facility Address: _____
6. County: _____
7. Mailing Address: (if different) _____
8. Owner: _____
9. Parent Company: _____
10. Parent Company Address (if different than above): _____
11. Plant or Facility site manager / contact: _____
12. Title: _____
13. Telephone: _____
14. Claim of Confidentiality:
Some of the records and information contained in this application are /are not (check one) unique to the applicant and/or are likely to adversely affect the competitive position of the applicant if released to the public or a competitor. If a claim of confidentiality is made for this application, provide a separate application for general distribution that is devoid of confidential information.
15. Provide the following:
 - a) For applicable requirements with which the source is in compliance, provide a statement that the source will continue to comply with such requirements;

 - b) For applicable requirements that become effective during the permit term, provide a statement that the source will meet such requirements on a timely basis;

- c) For applicable requirements with which the source is not in compliance at the time of permit issuance, provide a narrative description and provide a schedule of compliance. Such a schedule shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirements for which the source will be in noncompliance at the time of permit issuance. This compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based;

- d) For sources required to have a schedule of compliance to remedy a violation, provide a schedule for submission of certified progress reports every six months or at a more frequent period if specified in an applicable requirement; and

16. Statement of Certification: Based on information and belief formed after reasonable inquiry, the statements and information in this document and any attachments are true, accurate and complete.

Name of designated responsible official*

Title of responsible official

Signature of responsible official

Date

*Has the responsible official changed from the current AOP? If the answer to this question is **'Yes'**, attach [Responsible Official Duly Authorized Representative Form](#).



Air Operating Permit Application

Form 2: Emissions Units Form

The purpose of the form 2 is to record information about your facility and its emission units.

Description of Emissions Units at Your Facility: Form 2 is designed to provide information on emission units. This information is required under WAC 173-401-510(c).

Emissions Point Identifier: This is a unique name, number or combination that identifies the emissions unit in question. It can be either or both a discharge point or generation point, depending upon how the initial AOP was written.

Pollutants: The applicant should identify regulated pollutants emitted from each emissions point.

Annual Potential Emissions without Regard to Control Device: This is answering the question of how much would this emissions unit emit if there were no control equipment in place. The intent here is to assist in determining the applicability of the Compliance Assurance Monitoring (CAM) Rule (Title 40 Code of Federal Regulations Part 64).

CAM Needed: Here is where the applicant is to declare whether or not an emissions unit is subject to the CAM. If the applicant declares that the unit is subject, a CAM plan should accompany the renewal application. (See CAM Applicability, below.)

40 CFR 64.2, CAM Applicability.

(a) General applicability. Except for backup utility units that are exempt under paragraph (b)(2) of this section, the requirements of this part shall apply to a pollutant-specific emissions unit at a major source that is required to obtain a part 70 or 71 permit if the unit satisfies all of the following criteria:

(1) The unit is subject to an emission limitation or standard for the applicable regulated air pollutant (or a surrogate thereof), other than an emission limitation or standard that is exempt under paragraph (b)(1) of this section;

(2) The unit uses a control device to achieve compliance with any such emission limitation or standard;

and

(3) The unit has potential pre-control device emissions of the applicable regulated air pollutant that are equal to or greater than 100 percent of the amount, in tons per year, required for a source to be classified as a major source. For purposes of this paragraph, potential pre-control device emissions" shall have the same meaning as potential to emit," as defined in Sec. 64.1, except that emission reductions achieved by the applicable control device shall not be taken into account.

(b) Exemptions.

(1) Exempt emission limitations or standards. The requirements of this part shall not to any of the following emission limitations or standards: apply

(i) Emission limitations or standards proposed by the Administrator after November 15, 1990 pursuant to section 111 or 112 of the Act.

(ii) Stratospheric ozone protection requirements under title VI of the Act.

(iii) Acid Rain Program requirements pursuant to sections 404, 405, 406, 407(a), 407(b), or 410 of the Act.

(iv) Emission limitations or standards or other applicable requirements that apply solely under an emissions trading program approved or promulgated by the Administrator under the Act that allows for trading emissions within a source or between sources.

(v) An emissions cap that meets the requirements specified in Sec. 70.4(b)(12) or Sec. 71.6(a)(13)(iii) of this chapter.

(vi) Emission limitations or standards for which a part 70 or 71 permit specifies a continuous compliance determination method, as defined in Sec. 64.1. The exemption provided in this paragraph (b)(1)(vi) shall not apply if the applicable compliance method includes an assumed control device emission reduction factor that could be affected by the actual operation and maintenance of the control device (such as a surface coating line controlled by an incinerator for

which continuous compliance is determined by calculating emissions on the basis of coating records and an assumed control device efficiency factor based on an initial performance test; in this example, this part would apply to the control device and capture system, but not to the remaining elements of the coating line, such as raw material usage).

(2) Exemption for backup utility power emissions units. The requirements of this part shall not apply to a utility unit, as defined in Sec. 72.2 of this chapter, that is municipally-owned if the owner or operator provides documentation in a part 70 or 71 permit application that:

(i) The utility unit is exempt from all monitoring requirements in part 75 (including the appendices thereto) of this chapter;

(ii) The utility unit is operated for the sole purpose of providing electricity during periods of peak electrical demand or emergency situations and will be operated consistent with that purpose throughout the part 70 or 71 permit term. The owner or operator shall provide historical operating data and relevant contractual obligations to document that this criterion is satisfied; and

(iii) The actual emissions from the utility unit, based on the average annual emissions over the last three calendar years of operation (or such shorter time period that is available for units with fewer than three years of operation) are less than 50 percent of the amount in tons per year required for a source to be classified as a major source and are expected to remain so.

Annual Potential Emissions: Information on "potential to emit" may be required to determine whether certain requirements apply to a source or emission unit. Where required, applicants should list potential annual emissions or "potential to emit" for each regulated pollutant. "Potential to emit" means the maximum capacity of a stationary source to emit air pollutants under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its

design if the limitation is federally enforceable. *This is different than Annual Potential Emissions without Regard to Control Device.*

Actual Emissions or Regulated Parameter: Applicants must provide information on actual emissions of regulated pollutants. Actual emissions must be expressed in terms of tons/year. The applicant may also need to report emissions in other terms that are necessary to evaluate compliance with an applicable requirement. In most cases these emissions will be the same as reported on the last annual emissions inventory. If allowed by the permit, actual emissions may be estimated using source test results, vendor guaranteed emission rates or concentrations, AP-42 emission factors, or other methods approved by the permitting authority. All data, assumptions, and calculations should be documented in attachments to the application form.

- For emission rates based on source test results, please provide a one-page summary including test results, the name of the testing firm, the test date, and reference to testing methods.
- For emission estimates based on vendor guarantees, please provide a signed and dated copy of the guarantee from the vendor.
- For calculated emission estimates (i.e., emission estimates based upon AP-42 emission factors), please provide assumptions, operational data, calculations, and other pertinent information used to prepare estimates.

- Additional applicability documentation, such as operational requirements, should be submitted in narrative form.

- The applicant should also provide numerical information for standards that contain numerical limits on parameters other than emissions (i.e., sulfur content in fuels).

Have the Emissions Changed from the Permit?: Enter yes or no in this column.



Air Operating Permit Application

Form 2: Emissions Units Form

Facility Name: _____

Confidentiality Claim? Yes No Process #: _____

Emissions and Emissions Units						
Emissions Point Identifier	Emission Point Description (including existing air pollution control equipment)	Emissions			Compliance Assurance Monitoring	
		Annual Potential Emissions (for all regulated air pollutants)	Have Potential Emissions Changed Since Submittal of Most Recent AOP Application?	Actual Emissions for Calendar Year	Annual Potential Emissions without regard to Control Device	CAM needed? (yes or no)



Air Operating Permit Application

Form 3: Facility SIC Codes and Products

The purpose of Form 3 is to give the permit writer, inspectors, and permit reviewers an overall understanding of how your facility operates. Using Form 3, list the principal (e.g. marketable) products produced by your facility, grouping them according to standard industrial classification codes (SIC) codes, see *Standard Industrial Classification Manual*, 1987 ed. Include the maximum annual production, taking into account any federally enforceable limits of each of these products and the units of measure for these products. If you wish this information to be kept confidential, circle the confidential indicator on the form.



Air Operating Permit Application

Form 4: Process Information

The purpose of Form 4 is to give the permit writer, inspectors, and reviewers an overall understanding of how your facility operates. Using Form 4, briefly describe all manufacturing processes, and/or commercial activities. Assign each process a number. This number will be used on Forms 2, 5, and 6, (see "Process # _____) on these forms). "Process #1" should be used exclusively to describe plant-wide activities (refer to page 1). If you wish this information to be kept confidential, circle the confidential indicator on the form. Number each process sequentially, assigning each process a unique number. Include normal and all alternative operating scenarios. Use additional copies of Form 4 as necessary.

Form 5: Raw Materials Used by Processes

The purpose of Form 5 is to give the permit writer, inspectors, and reviewers an overall understanding of how your facility operates. Using Form 5, briefly describe the raw materials, not including fuels, associated with each process listed on form 4. Enter the number of the process (using the number indicated on Form B-2) which use these raw materials under the process number column. Include the maximum annual use of the raw material taking into account any federally enforceable limits. Enter the units of measure (UOM) for annual use. Use additional copies of form 5 as necessary. If you wish this information to be kept confidential, circle the confidential indicator on the form.

Raw materials are "substances that enter into the process and become part of the product(s) or by-product(s)." By-products include emissions. This does not preclude listing emissions as otherwise required, but simplifies the raw materials list. For example, maintenance may be a process at a facility; but there are no raw materials in that process.



Air Operating Permit Application

Form 5: Raw Materials Used by Processes

Facility Name: _____

Confidentiality Claim? Yes No Process #: _____

Number of Process Using Raw Material	Raw Material Name/Description	Maximum Annual Use	UOM



Air Operating Permit Application

Form 6: Fuels Used by Processes

The purpose of Form 6 is to give the permit writer, inspectors, and reviewers an overall understanding of how your facility operates. Using Form 6, briefly describe the fuels associated with each process. Enter the number of the process using the number indicated on Form 4, and provide information on all fuel types including whether they use primary, back-up, or emergency fuels. Include the maximum annual use of the fuel, taking into account any federally enforceable limits and note units of measure (UOM). Use additional copies of the form as necessary. If you wish this information to be kept confidential, circle the confidential indicator on the form.



Air Operating Permit Application

Form 6: Fuels Used by Processes

Facility Name: _____

Confidentiality Claim? Yes No Process #: _____

Number of Process Using Fuel	Fuel Name/Description*	Maximum Annual Use	Unit of Measure



Air Operating Permit Application

Form 7: Applicable Requirements

We are looking for data about the limits and other applicable requirements that have been placed on the units at the facility. Since one of the main purposes of the Air Operating Permit Program is to insure compliance with the applicable requirements, we are asking for what the compliance determination methods are for each unit. The type of required compliance determination would depend upon the history and size of each unit.

Applicable Requirements: Form 7 (or attachments) must include a list of all applicable requirements:

State Only: The applicant should identify which requirements are state-only requirements. These include rules and regulatory orders that are not included in the State Implementation Plan and/or been approved by EPA under Section 111 or Section 112 of the Federal Clean Air Act. All other requirements are assumed to be Federally enforceable requirements.

Requirement Identification: For each discharge point, the applicant should identify all applicable requirements for each regulated pollutant. The requirement identification is the number of the regulation (or order of approval), section, and subsection. For example, an applicant may list WAC 173-400-060 as an applicable requirement for general process units.



Air Operating Permit Application

Form 7: Applicable Requirements

Facility Name: _____

Confidentiality Claim? Yes No Process #: _____

Applicable Requirement Identifier	Applicable Requirement	State Only?	Required Monitoring Recordkeeping & Reporting	Proposed Monitoring Recordkeeping & Reporting Adequate to Assure Compliance



Form 8: Compliance Status

Form 8 discloses the compliance status of the source.

Compliance Information: The applicant needs to provide information to evaluate compliance with all applicable requirements:

In or Out of Compliance: The applicant must determine the compliance status of each emission unit and each applicable requirement based on information and belief formed after reasonable inquiry including but not limited to comparing actual emissions with allowable limits. Requirements that a source is not complying with should be identified in the compliance plan. For those requirements, the applicant must include a schedule of measures to achieve compliance with the applicable requirement in the compliance plan required under WAC 173-401-510(2)(h).

Continuous or Intermittent Compliance: The applicant must disclose whether the compliance status (in or out) has been continuous or intermittent over the past year. If the status has been intermittent, the schedule of compliance should assure that ongoing compliance will be continuous or justify why compliance will continue to be intermittent.

Method or Test Used to Determine Compliance Status: The applicant should identify the method used to determine compliance. The test method for establishing initial compliance will generally be the method in the underlying regulation, order, or permit. If the underlying requirement does not specify a method, the applicant must propose one. Test methods may include compliance calculations, stack tests, surrogate parameters (i.e., scrubber pressure drop), or continuous emissions monitoring.



Air Operating Permit Application

Form 8: Compliance Status

Facility Name: _____

Confidentiality Claim? Yes No Process #: _____

Applicable Requirement Identifier	Current Compliance Status (In or Out)	Compliance Status over Past Year (Continuous or Intermittent)	Method used to Determine Compliance Status

List of Application Attachments

The following information must accompany your Air Operating Permit Renewal Application:

- 1) Emissions calculations used for Form 2:
 - a) Potential to emit with regard to control device(s)
 - b) Potential to emit without regard to control devices(s)
 - c) Actual calendar year emissions
- 2) A CAM plan, if required by Title 40 Code of Federal Regulations (CFR) Part 64. (For copy of this CFR, go to <http://access.gpo.gov/nara/cfr/cfr-table-search.html#page1>)
- 3) A list of modifications that have taken place without a Notice of Construction and/or were considered de minimus under WAC 173-400-110. (For copy of this WAC, go to <http://www.ecy.wa.gov/laws-rules/ecywac.html#air>)
- 4) Process flow diagram(s) for source.
- 5) Site map of source.
- 6) List of insignificant emission units (IEU), including IEU classification. See WAC 173-401-530, -531, -532, and -533. (For copy of this WAC, go to <http://www.ecy.wa.gov/laws-rules/ecywac.html#air>)
- 7) Schedule of compliance for Form 8, if applicable. The schedule should include a narrative description of how (including milestone dates) the source will achieve compliance with the relevant requirements and a schedule of submission of certified progress reports.
- 8) Title IV, Acid Rain Program, permit applications and compliance plans, if required by Title 40 Code of Federal Regulations (CFR) Part 72. (For copy of this CFR, go to <http://access.gpo.gov/nara/cfr/cfr-table-search.html#page1>)
- 9) Risk Management Plan, if required by Title 40 Code of Federal Regulations (CFR) Part 68. (For copy of this CFR, go to <http://access.gpo.gov/nara/cfr/cfr-table-search.html#page1>)
- 10) List of inapplicable requirements and request to extend the permit shield to those requirements, if desired.
- 11) Other supporting information.