

- G. OAC 813c (2/25/14) conditions 6 and 8 limit SMR furnace emissions of nitrogen oxides to 2.8 lb/hr (1-hr average) while firing at 90% or more of its maximum rated capacity as measured annually by 40 CFR Part 60 Appendix A Methods 1-4 and 7E.
- H. OAC 813c Condition 6 is included in Condition 5.9 of Air Operating Permit 024M1 (8/19/14).
- I. On July 27, 2015, a performance test conducted according to the permit conditions on the SMR furnace demonstrated emissions of 2.9 lb/hr while firing at approximately 91% of rated capacity.
- J. On August 28, 2015, Air Liquide notified NWCAA of the source test results.
- K. During the next scheduled shutdown of the SMR ending October 13, 2015, Air Liquide performed maintenance of the burners.
- L. On October 21, 2015, performance testing demonstrated 2.7 lb/hr NO_x emission limit while firing at 80.1% of rated capacity.
- M. Air Liquide restricted their operation rate to limit NO_x emissions while determining a course of action.
- N. NWCAA issued Notice of Violation 4188 on December 15, 2015.
- O. On May 6, 2016 Air Liquide submitted a plan for long-term resolution of the violation that requires retrofitting the SMR furnace with ultra-low NO_x burners.

III.

Regulatory Basis

- A. NWCAA Regulation 300.13 Replacement or Substantial Alteration of Emission Control Technology at an Existing Stationary Source. a) Any person proposing to replace or substantially alter the emission control technology installed on an existing stationary source or emission unit shall file a Notice of Construction application with the NWCAA. Replacement or substantial alteration of control technology does not include routine maintenance, repair or similar parts replacement...
- B. 40 CFR Part 60 Subpart J applies to fuel gas combustion devices at refineries, imposing SO₂ emission limits.

IV.

Determinations

Based upon the foregoing Findings of Fact and Regulatory Basis, NWCAA makes the following Determinations:

- A. The July 27, 2015 performance test demonstrated a violation of OAC 813c Condition 6/AOP 024M1 Condition 5.9 NO_x emissions while firing at greater than 90% of rated input. (NWCAA issued Notice of Violation 4188 on December 15, 2015.)

- B. No violation of 40 CFR Part 60 Subpart J has occurred.
- C. Retrofitting the ultra-low NOX burners into the SMR furnace is a substantial alteration of control technology triggering New Source Review under NWCAA Regulation 300.13.
- D. Installation of the proposed new burners in the SMR furnace is not a modification of the affected facility under 40 CFR Part 60 Subpart J or Ja.
- E. Compliance with the terms of this Order shall be considered adequately addressing actions for the period of non-compliance as noted in NOV 4188 through final testing of the new burners

V.

Terms of Order: Actions to Be Taken

Based on the forgoing Facts, Regulatory Basis, and Determinations, it is hereby ordered that Air Liquide take the following actions:

- A. On or before April 15, 2017, Air Liquide shall complete installation of ultra-low NOx burners in the SMR furnace.
- B. Air Liquide shall file a Notice of Construction application and obtain an Order of Approval to Construct prior to installing the ultra-low NOx burners in the SMR furnace.
- C. Not later than 90 days after the installation of the new burners in the SMR furnace and while operating at the maximum production rate, Air Liquide shall conduct a performance test to measure NOx emission from the SMR furnace, per AOP 024 M1 Permit Term 5.9.
- D. NWCAA has calculated the economic benefit enjoyed by Air Liquide as a result of the violation and evaluated the penalty which should be imposed. NWCAA has agreed to accept and Air Liquide agrees to pay to the NWCAA the total sum of \$4,000 within 30 days of the effective date of this Order.

VI.

Terms and Definitions in Order

Unless otherwise specified, the definitions set forth in NWCAA Regulation 200, WAC 173-400 & 401, RCW 70.94, 40 CFR 60.2, 60.101, and 60.101a shall control the meanings of the terms used in this Agreed Order.

VII.

Satisfaction of Order

The provisions of this Agreed Order, as amended by any modifications, shall be deemed satisfied upon Air Liquide receipt of written notification of such satisfaction from Northwest Clean Air Agency and upon compliance with all provisions of this Agreed Order.

VIII.

Enforcement

Pursuant to RCW 70.94.430 and 431, this Order may be enforced by the Northwest Clean Air Agency.

IX.

Order Not Subject to Appeal

The terms of this Order having been agreed to by both parties, it is further stipulated that the same shall be final and not be subject to appeal in accordance with RCW 43.21B.230 and NWCAA Regulation 122.

Effective date of this Order: _____

ORDERED BY:
NORTHWEST CLEAN AIR AGENCY

By: _____

Mark Asmundson,
Executive Director

AGREED BY:
AIR LIQUIDE LARGE INDUSTRIES U.S. LP

By: _____

Shanée Coachman
Anacortes SMR & ASU Plant Manager