

# Air Operating Permit—Draft

**MAAX US Corp.**

Bellingham, Washington

November 18, 2016



*Serving Island, Skagit & Whatcom Counties*

## PERMIT INFORMATION

MAAX US Corp.  
2150 Division Street, Bellingham, WA 98226

SIC: 3088  
NAICS 326191  
EPA AFS: 53-073-0041

NWCAA ID: 1636-V-W

### Responsible Corporate Official

David Vander Wee  
Vice-President of Operations  
MAAX BATH Inc.  
160 Boul. St-Joseph  
Lachine, QC H8S 2L3, Canada  
(514) 844-4155, ext. 231

### Corporate Inspection Contact

Edwin Jones, Environmental Officer  
MAAX US Corp.  
2150 Division Street  
Bellingham, Washington 98226  
(877) 438-6229, ext. 8430

### Northwest Clean Air Agency

1600 South Second Street  
Mount Vernon, Washington 98273-5202  
(360) 428-1617

### Prepared by

Robyn Jones  
Environmental Engineer  
(360) 428-1617 ext. 216

<b>Air Operating Permit Number:</b>	<b>Issuance Date:</b>
011R3	DRAFT: November 18, 2016
<b>Permit Modifications</b>	<b>Modification Date:</b>
<b>Supersedes Permit Number:</b>	<b>Expiration Date:</b>
011R2	2021
<b>Modification Application Date:</b>	<b>Renewal Application Due:</b>
	2020

## ATTEST

This permit is issued in accordance with the provisions of Section 322 of the Regulation of the Northwest Clean Air Agency and the provisions of Chapter 173-401 Washington Administrative Code.

Pursuant to Section 322 of the Regulation of the Northwest Clean Air Agency and Chapter 173-401 Washington Administrative Code, MAAX US Corp. is authorized to operate subject to the terms and conditions of this permit.

Northwest Clean Air Agency Approval:

---

Date:

Robyn Jones  
Environmental Engineer

Date:

Agata McIntyre, P.E.  
Engineering Manager

## TABLE OF CONTENTS

<b>SECTION 1</b>	<b>EMISSION UNIT IDENTIFICATION .....</b>	<b>5</b>
<b>SECTION 2</b>	<b>STANDARD TERMS AND CONDITIONS .....</b>	<b>6</b>
2.1	Compliance Requirements .....	6
2.2	Permit Terms .....	11
2.3	Permit Shield .....	14
2.4	Recordkeeping and Reporting .....	16
2.5	Excess Emissions.....	24
2.6	Duty to Supplement or Correct Information .....	25
2.7	Prohibitions .....	25
2.8	Notice of Construction and Application for Approval/New Source Review .....	27
2.9	Greenhouse Gas Regulation .....	29
<b>SECTION 3</b>	<b>STANDARD TERMS AND CONDITIONS FOR NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS .....</b>	<b>30</b>
3.1	Prohibited Activities and Circumvention .....	30
3.2	Requirements for Existing, Newly Constructed, and Reconstructed 40 CFR Part 63 NESHAP Sources.....	31
3.3	Operation and Maintenance.....	32
3.4	Extension of Compliance for Early Reductions and Other Reductions.....	32
3.5	Notification of Performance Tests .....	32
3.6	Conduct of Performance Tests .....	33
3.7	Address for Reports, Notifications and Submittals .....	33
3.8	Notification .....	34
3.9	Recordkeeping.....	35
<b>SECTION 4</b>	<b>GENERALLY APPLICABLE REQUIREMENTS .....</b>	<b>36</b>
<b>SECTION 5</b>	<b>SPECIFIC REQUIREMENTS FOR EMISSION UNITS .....</b>	<b>42</b>
<b>SECTION 6</b>	<b>INAPPLICABLE REQUIREMENTS .....</b>	<b>45</b>
<b>SECTION 7</b>	<b>AIR EMISSIONS MONITORING PLAN WAC 173-401-615 (11/4/93) .....</b>	<b>ERROR! BOOKMARK NOT DEFINED.</b>

## TABLES

Table 1-1	Significant Emission Unit - Process Identification .....	5
Table 4-1	Generally Applicable Requirements – Plantwide.....	36
Table 5-1	Specifically Applicable Requirements – MAAX US Corp. EU-1 and EU-2 .....	42
Table 6-1	Inapplicable Requirements.....	45

## SECTION 1 EMISSION UNIT IDENTIFICATION

This permit applies to all air emissions including emissions from fiberglass fabrication processes conducted at the MAAX US Corp. facility located at 2150 Division Street, Bellingham, Washington and hereinafter referred to as MAAX or as the facility or as the permittee. The facility must comply with the standard terms and conditions and generally applicable requirements listed in Sections 2 and 3 of this permit. Where there is a difference, cited requirements take precedence over paraphrased requirements in these sections. Only air emissions from the emission units in place at the time of permit issuance and air emissions from insignificant emission units that are listed in the permit or that are categorically insignificant are approved via this permit at this facility. All terms and conditions of this permit, including any provisions designed to limit potential to emit, are enforceable by EPA and citizens under the FCAA unless they are specifically designated as a state only requirement (authority WAC 173-401-625 10/4/93).

**Table 1-1 Significant Emission Unit - Process Identification**

Emission Unit Process Name	Process Area and Emission Point Description	Emission Abatement Device	Process Description
EU-1 Spray and hand layup of polyester resin or resin and glass fiber	<u>Building C Glass Shop</u> Enclosed work area. Floor-level wall mounted collection with fiber or paper filters. Combined flow of seven vertically exhausting unobstructed stacks equals 28,000 cfm.	None	Spray layup is an open mold fiberglass fabrication process that uses mechanical non-atomized spraying and chopping equipment for application of catalyzed resin and reinforcing material. Hand layup is a fiberglass fabrication process in which reinforcing fibers are manually applied to a mold wetted with catalyzed resin mix. Reinforcing material and resin mix are layered to build laminate thickness. Both types of layup result in emissions of styrene and smaller quantities of volatile organic compounds. Spray layup also emits particulate from overspray. MAAX US Corp. uses conventional, vapor and non-vapor suppressed resins.
EU-2 Spray and hand layup of polyester resin or resin and glass fiber	<u>Building B Mold Shop</u> Enclosed work area. Floor-level wall mounted collection system with fiber or paper filters. One vertically exhausting unobstructed stack (9,500 cfm).	None	
EU-3 HAP-containing materials storage	<u>Bulk Resin Storage</u> Bulk resin storage drums, portable totes, and tanks with lids and seals.	None	

Note: Other processes that emit air contaminants are present at the facility but are considered insignificant emission units per WAC 173-401.

## SECTION 2 STANDARD TERMS AND CONDITIONS

Standard terms and conditions are administrative and/or other requirements that typically have no ongoing compliance monitoring requirements. The permittee must comply with the requirements listed below. All terms and conditions of this permit are enforceable by the Environmental Protection Agency (EPA) Administrator and by citizens under the Federal Clean Air Act (FCAA), except for those terms and conditions designated in the permit as "State Only". A requirement designated "State Only" is enforceable only by the state or the NWCAA, and not by EPA or through citizen suits. Unless the text of the term is specifically identified to be "Directly Enforceable", the language of the cited regulation takes precedence over a paraphrased requirement. A permit condition labeled "Directly Enforceable" is a legal requirement, and the permit shield in condition 2.3.1 of this permit applies.

### 2.1 Compliance Requirements

#### 2.1.1 Duty to Comply

##### 2.1.1.1 WAC 173-401-620(2)(a) (11/4/93)

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of RCW 70.94 and, for federally enforceable provisions, a violation of the Federal Clean Air Act (FCAA). Such violations are grounds for enforcement action; for permit termination, revocation and re-issuance, or modification; or for denial of a permit renewal application.

##### 2.1.1.2 State Only: NWCAA 322.3 (11/17/11)

It shall be unlawful for any person to operate a source that is subject to the requirements of chapter 173-401 WAC without complying with the provisions of chapter 173-401 WAC and any permit issued under its authority.

#### 2.1.2 Civil and Criminal Penalties

##### 2.1.2.1 WAC 173-400-230(2) (3/20/93), WAC 173-400-240 (3/22/91), NWCAA 131 (4/14/93), NWCAA 132 & 133 (10/13/94), and Section 113 of the FCAA

Any person who violates applicable regulations or aids and abets in a violation, as notified in accordance with this section, shall be subject to penalties.

##### 2.1.2.2 State Only: NWCAA 131 (3/14/13), 132 (8/13/15), & 133 (8/13/15)

Any person who violates applicable regulations or aids and abets in a violation, as notified in accordance with this section, shall be subject to penalties.

##### 2.1.2.3 WAC 173-400-250 (9/20/93) & NWCAA 133.2 (10/13/94) State Only: NWCAA 133.2 (8/13/15)

Penalties issued may be appealed to the pollution control hearings board within 30 days after notice is served.

#### 2.1.3 Need to Halt or Reduce Activity Not a Defense

##### WAC 173-401-620(2)(b) (11/4/93)

It shall not be a defense for a permittee in an enforcement action that it would have

been necessary to halt or reduce the permitted activity in order to maintain compliance with the terms and conditions of this permit.

#### **2.1.4 Duty to Provide Information**

WAC 173-401-620(2)(e) (11/4/93)

The permittee shall furnish to the NWCAA, within a reasonable time, any information that the NWCAA may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the NWCAA copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to the EPA Administrator along with a claim of confidentiality. The NWCAA shall maintain confidentiality of such information in accordance with RCW 70.94.205 and the NWCAA Regulation.

#### **2.1.5 Confidential Information**

2.1.5.1 NWCAA 114.1 (4/14/93)

Whenever the permittee requests that records or information eligible for confidentiality status be made confidential by the Board of the NWCAA, the NWCAA shall maintain confidentiality of such information in accordance with NWCAA 114. The records or information shall be only for the confidential use of the Board, the Advisory Council, and the NWCAA staff, but may not be accessed if, in the opinion of the Board, there is a conflict of interest.

2.1.5.2 State Only: NWCAA 114 (11/8/07)

Whenever any records or other information other than ambient air quality data or emission data furnished to or obtained by the Agency, relates to processes or production unique to the owner or operator, or are 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 NWCAA.

Nothing herein shall be construed to prevent the use of records or information by the NWCAA 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 Board shall be correlated with applicable emission limitations and other control measures and shall be available for public inspection during normal business hours at the office of the NWCAA.

#### **2.1.6 Inspection and Entry**

WAC 173-400-105(3) (9/20/93), WAC 173-401-630(2) (11/4/93) NWCAA 110 & 111 (1/8/69)

State Only: WAC 173-400-105(3) (7/1/16)

Upon presentation of credentials and other documents as may be required by law, the permittee shall allow Ecology, NWCAA or an authorized representative to:

- (i) Enter upon the permittee's premises where a Chapter 401 source is located or

emissions-related activity is conducted, or where records must be kept under the conditions of the permit;

- (ii) Have access to and copy, at reasonable times, any records that must be kept under the condition of the permit;
- (iii) Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
- (iv) Sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

No person shall willfully interfere with or obstruct the Control Officer or any NWCAA employee and/or assigned agent in carrying out any lawful duty.

### **2.1.7 Investigation and Studies**

#### NWCAA 110 (1/8/69)

The Control Officer and/or his qualified agents may make any reasonable investigation or study which is necessary for the purpose of standards or any amendments thereto on reducing the amount or kind of contaminant.

When investigating conditions specific to the control, recovery or release of air contaminants, the Control Officer or his duly authorized representatives shall have the power to enter at reasonable times upon any private or public property, except non-multiple unit private dwellings housing two families or less.

If an authorized employee of the Agency, during the course of an inspection desires to obtain a sample of air contaminant, he shall notify the owner or lessee of the time and place of obtaining a sample so the owner or lessee has the opportunity to take a similar sample at the same time and place. A receipt shall be given to the owner or lessee for the sample obtained.

### **2.1.8 Source Testing**

#### 2.1.8.1 WAC 173-400-105(4) (9/20/93)

To demonstrate compliance, Ecology or the NWCAA may conduct or require that a test be conducted of the source using approved EPA methods from 40 CFR 60 Appendix A which are adopted by reference, or approved procedures contained in the "Source Test Manual – Procedures for Compliance Testing," state of Washington, Department of Ecology, as of July 12, 1990, on file at Ecology. The operator of a source may be required to provide the necessary platform and sampling ports for Ecology personnel or others to perform a test of an emissions unit. Ecology shall be allowed to obtain a sample from any emissions unit. The operator of the source shall be given an opportunity to observe the sampling and to obtain a sample at the same time.

#### 2.1.8.2 State Only: WAC 173-400-105(4) (7/1/16)

To demonstrate compliance, the required test must be conducted using approved EPA methods from 40 CFR Parts 51, 60, 61 and 63 (in effect on July 1, 2010) or procedures contained in "Source Test Manual – Procedures for Compliance Testing," state of Washington, Department of Ecology, as of September 20, 2004, on file at Ecology. All other language is the same as 2.1.8.1.

*2.1.8.3 State Only: NWCAA 367 and Appendix A (7/14/05)*

Source tests required by NWCAA to assess compliance with an air emission standard shall be conducted according to the following provisions:

- (i) A source test plan shall be submitted to the NWCAA for approval for all compliance source tests at least 30 days prior to scheduled testing. A summary of the test shall accompany the test plan and be submitted on a template provided by the NWCAA.
- (ii) Once a test plan has been approved, any changes in test dates or methodology shall require NWCAA approval.
- (iii) Results of required source tests must be submitted within sixty days of completion of the test unless prior approval is granted by NWCAA.

**2.1.9 Testing and Sampling**

*2.1.9.1 NWCAA 360.1 (2/14/73)*

Any person operating or using any article, machine, equipment or other contrivance shall provide and maintain such sampling and testing facilities as specified in the Order of Approval to Construct or an Air Operating Permit.

*2.1.9.2 State Only: NWCAA 367 and Appendix A (7/14/05)*

All ambient monitoring, compliance testing, continuous monitoring systems and continuous opacity monitoring systems required by a regulation, order of approval or permit issued by the NWCAA shall comply with the applicable requirements of Section 367 and Appendix A of the NWCAA Regulation. The applicable requirements of Section 367 and Appendix A of the NWCAA Regulation are in addition to any monitoring, testing, calibration or quality assurance/quality control requirements that otherwise apply.

Any person operating an air operating permit source may, at any time, be required to monitor the ambient air, process emissions or conduct emission tests as deemed necessary by the Control Officer.

The Control Officer may take such samples and perform any tests and investigations deemed necessary to determine the accuracy of the monitoring reports and tests submitted to the Agency, and evaluate the validity of the data. The owner or operator may also be required by the Control Officer to take a sample using an approved procedure and submit the results thereof within a reasonable period of time.

Once initiated, a compliance test shall be completed unless interrupted by severe weather, test equipment failure or other conditions beyond control of the facility. Failure to complete a test shall be a violation of the requirement to test, and, in cases where the initial data indicate a non-compliance of the applicable emission standard, the results may be considered a violation of that standard.

**2.1.10 Ambient Air and Continuous Emission Monitoring**

*2.1.10.1 NWCAA 365.1 (2/8/89)*

Any person operating an air contaminant source or an air operating permit source may, at any time, be required to monitor the ambient air, process emissions or conduct emission tests as deemed necessary by the Control Officer under the following

provisions:

The Board or Control Officer may require any person operating any source to conduct a monitoring program on site or adjacent off site for emissions, ambient air concentrations or any other pertinent special studies deemed necessary.

All monitoring data shall be submitted in a form which the Board or Control Officer may require. Averaging time and collection periods will be determined by the Control Officer. Failure to record and/or report data as specified in the "Guidelines for Industrial Monitoring Equipment and Data Handling" may be cause for a Notice of Violation to be issued.

All data and records shall be kept for a period of at least one year and made available to the Control Officer upon request.

All required continuous emission monitors or required opacity monitors used to monitor compliance and all instruments used for special studies must meet appropriate EPA performance specifications (40 CFR 60, Appendix B) and shall be calibrated and maintained in accordance with the "Guidelines for Industrial Monitoring Equipment and Data Handling" procedures approved by the Control Officer.

The Control Officer may take such samples and make any tests and investigations deemed necessary to determine the accuracy of the monitoring reports and tests submitted to the NWCAA, and evaluate the validity of the data. The owner or operator may also be required by the Control Officer to take a sample using an approved procedure and submit the results thereof within a reasonable period of time.

The Board or the Control Officer may require additional reasonable monitoring be undertaken at any appropriate time to insure compliance with the NWCAA Regulation.

*2.1.10.2 State Only: NWCAA 367 and Appendix A (7/14/05)*

All ambient air monitors shall be operated and maintained as required by the appropriate Sections of 40 CFR Parts 50 and 58.

A Quality Assurance (QA) manual and station log book shall be kept for all stations. Written calibration and precision/span check procedures shall be included in the QA manual. A station audit shall be conducted by the NWCAA at least once per year.

Unless subject to acid rain regulations (40 CFR Part 72 and 75), all continuous emissions monitoring systems (CEMS) shall be capable of meeting appropriate EPA performance specifications using procedures outlined in 40 CFR Part 60 Appendix B. CEMS subject to acid rain regulations shall be capable of meeting the specifications outlined in the appropriate section of 40 CFR Part 75.

All CEMS shall be operated in accordance with the appropriate section of 40 CFR Part 60 Appendix F, and the operator shall assess the operation of each CEMS daily.

Continuous opacity monitors shall be maintained according to "Recommended Quality Assurance Procedures for Opacity Continuous Monitoring Systems" (EPA 340/1-86-10) and the manufacturer's procedures. All gaseous CEMS shall be maintained using the QA criteria of 40 CFR Part 60 Appendix F and the manufacturer's procedures.

Auditing of opacity monitors shall be conducted according to recommended procedures. Data accuracy assessments shall be conducted at least once every calendar quarter for gaseous monitors and at appropriate periodic intervals. Relative Accuracy Test Audits

(RATAs), Relative Accuracy Audits (RAAs) and Cylinder Gas Audits (CGAs) shall be employed as described in 40 CFR Part 60 (or 40 CFR Part 75 if the facility is subject to acid rain regulations).

Strip charts and approved data acquisition systems shall be used to capture and store data. All data must be retained for a period of at least five years and be available to the NWCAA upon request.

CEMS are required to maintain greater than 90% data availability on a monthly basis. A supplemental report shall be submitted if during any calendar month a CEMS fails to produce 90% data availability stating the reasons for the low data availability.

The following data shall be submitted to the NWCAA on a monthly basis or according to the applicable standard:

- (i) Time, date, magnitude, and cause of all emissions or temperatures which exceed the applicable standard(s).
- (ii) The cause and time periods of any bypass of the air pollution control equipment.
- (iii) The cause and time periods of CEM downtime not associated with routine QA or maintenance operations.
- (iv) Data availability for each CEM, listed by unit and parameter.
- (v) Supplemental report for system with  $\leq 90\%$  monthly data availability.
- (vi) Other data or information as required by the Control Officer.

#### **2.1.11 Credible Evidence**

40 CFR 51.212(c) (2/24/97), 40 CFR 52.12 (2/24/97), and 40 CFR 52.33 (2/24/97)

For the purpose of compliance certifications or establishing whether or not a person has violated or is in violation of this permit, nothing shall preclude the use, including the exclusive use, of any credible evidence or information relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed.

## **2.2 Permit Terms**

### **2.2.1 Permit Expiration and Renewal**

WAC 173-401-610 (11/4/93) and WAC 173-401-710 (10/17/02)

This permit is issued for a fixed term of five years from date of issuance. Permit expiration terminates the source's right to operate unless a timely and complete renewal application has been submitted. A complete permit renewal application shall be submitted to the NWCAA no later than the date established in the permit.

### **2.2.2 Permit Actions**

WAC 173-401-620(2)(c) (11/4/93)

This permit may be modified, revoked, reopened, reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and re-

issuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

### **2.2.3 Emissions Trading**

WAC 173-401-620(2)(g) (11/4/93)

No permit revision shall be required, under any approved economic incentives, marketable permits, emissions trading, and other similar programs or processes, for changes that are provided for in this permit.

### **2.2.4 Emission Reduction Credits**

State Only: WAC 173-400-131 (4/1/11), WAC 173-400-136 (12/29/12)

An emission reduction credit may be issued and used in accordance with the applicable regulations listed above.

### **2.2.5 Severability**

WAC 173-401-620(2)(h) (11/4/93)

If any provision of this permit is held to be invalid, all unaffected provisions of the permit shall remain in effect and be enforceable.

### **2.2.6 Permit Appeals**

WAC 173-401-620(2)(i) (11/4/93) and WAC 173-401-735 (5/3/97)

This permit or any conditions in it may be appealed only by filing an appeal with the pollution control hearings board and serving it on the NWCAA within thirty days of receipt. This provision for appeal is separate from and in addition to any federal rights to petition and review under section 505(b) of the FCAA.

### **2.2.7 Permit Continuation**

WAC 173-401-620(2)(j) (11/4/93)

This permit and all terms and conditions contained therein, including any permit shield provided under WAC 173-401-640, shall not expire until the renewal permit has been issued or denied if a timely and complete application has been submitted. If a timely and complete application has been submitted, an application shield granted pursuant to WAC 173-401-705(2) shall remain in effect until the renewal permit has been issued or denied.

### **2.2.8 Reopening for Cause**

WAC 173-401-730 (11/4/93)

The permit shall be reopened and revised under any of the following circumstances:

- (i) Additional requirements become applicable to the source with a remaining permit term of three or more years. Such a reopening shall be completed not later than eighteen months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions have been extended pursuant to WAC 173-

401-620(2)(j);

- (ii) Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the EPA Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit;
- (iii) The NWCAA or the EPA Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit; or
- (iv) The NWCAA or the EPA Administrator determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

### **2.2.9 Changes Not Requiring Permit Revisions/Off-Permit Changes**

WAC 173-401-722 (10/17/02) and WAC 173-401-724 (11/4/93)

The permittee may make the changes described in WAC 173-401-722 and WAC 173-401-724 without revising this permit, provided that the changes satisfy the criteria set forth in those sections.

### **2.2.10 Permit Modifications**

WAC 173-401-720 (11/4/93) and WAC 173-401-725 (11/4/93)

This permit may be revised as provided in WAC 173-401-720 (administrative permit amendments) and 173-401-725 (permit modifications).

### **2.2.11 Property Rights**

WAC 173-401-620(2)(d) (11/4/93)

This permit does not convey any property rights of any sort, or any exclusive privilege.

### **2.2.12 Definitions**

2.2.12.1 NWCAA 200 (10/13/94)

Particular references to terms not otherwise defined in this permit or the associated Statement of Basis have the meaning assigned to them in the specific regulation being cited. The terms NWCAA, Ecology, and EPA shall mean the Northwest Clean Air Agency, the Washington State Department of Ecology, and the United States Environmental Protection Agency, respectively. FCAA means the Federal Clean Air Act.

2.2.12.2 State Only: NWCAA 200 (8/11/16)

In the new version of the NWCAA Regulation some of the definitions have been modified slightly to provide clarification and some have been revised to include an expanded definition of the term.

### **2.2.13 Compliance Schedule**

WAC 173-401-630(3) (11/4/93) and WAC 173-401-510(2)(h)(iii) (6/17/94)

The permittee shall continue to comply with all applicable requirements with which the source was in compliance as of the date of permit issuance. The permittee shall meet on a timely basis any applicable requirements that become effective during the permit

term.

## **2.2.14 Permit Fees**

### *2.2.14.1 WAC 173-401-620(2)(f) (11/4/93)*

The permittee shall pay fees as a condition of this permit in accordance with the NWCAA fee schedule.

### *2.2.14.2 State Only: NWCAA 322.4 (11/17/11)*

The NWCAA shall assess and collect annual air operating permit fees for sources in its jurisdiction that are required to have Title V Air Operating Permits (excluding sources regulated by WDOE directly). The total fees required to administer the program shall be determined by a workload analysis conducted by NWCAA staff and approved annually by the NWCAA Board of Directors.

## **2.2.15 Transfer or Permanent Shutdown**

### *2.2.15.1 NWCAA 325 (2/14/73)*

Approval to construct a stationary source is not to be transferable from one location to another (outside the plant boundary), from one piece of equipment to another, or from one person to another, except portable sources may retain the same registration so long as they remain within the jurisdiction of the NWCAA.

### *2.2.15.2 State Only: NWCAA 325 (11/8/07)*

Approval to construct a stationary source is not to be transferable from one location to another (outside the plant boundary), from one piece of equipment to another, or from one person to another, except portable sources may retain the same registration so long as they remain within the jurisdiction of the NWCAA and they comply with NWCAA 300 and 301.

The registered owner or operator shall report the transfer of ownership or permanent shutdown of a registered source to the NWCAA within ninety (90) days of shutdown or transfer. The new owner of a registered source shall file a written report with the NWCAA within ninety (90) days of completing transfer of ownership and/or assuming operational control.

In the case of a permanent shutdown, process and pollution control equipment may remain in place and on site, but shall be rendered incapable of generating emissions to the atmosphere.

## **2.3 Permit Shield**

### **2.3.1 Shield Requirement**

#### *WAC 173-401-640(1) (11/4/93)*

Compliance with a permit condition shall be deemed compliance with the applicable requirements upon which that condition is based, as of the date of permit issuance. The permit shield does not apply to any insignificant emissions unit or activity so designated under WAC 173-401-530.

### **2.3.2 Inapplicable Requirements**

WAC 173-401-640(2) (11/4/93)

As of the date of permit issuance, the requirements listed in the Inapplicable Requirements section of this permit do not apply to the permittee. The permit shield applies to all requirements so identified.

### **2.3.3 Exclusions**

WAC 173-401-640(4) (11/4/93)

Nothing in this section or in this permit shall alter or affect the following:

- (i) Provisions of Section 303 of the FCAA (emergency orders), including the authority of the EPA Administrator under that section;
- (ii) Liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance;
- (iii) Ability of EPA to obtain information from a source pursuant to Section 114 of the FCAA; or
- (iv) Ability of the permitting authority to establish or revise requirements for the use of reasonably available control technology (RACT) as provided in RCW 70.94.154.

### **2.3.4 Reasonably Available Control Technology**

*2.3.4.1* WAC 173-401-605(3) (11/4/93)

Emission standards and other requirements contained in rules or regulatory orders in effect at the time of operating permit issuance shall be considered RACT for purposes of permit issuance or renewal.

*2.3.4.2* WAC 173-400-040 (9/20/93)

All emissions units are required to use RACT which may be determined for some sources or source categories to be more stringent than the applicable emission limitations of any chapter of Title 173 WAC. Where current controls are determined to be less than RACT, Ecology or the NWCAA shall, as provided in Section 8, Chapter 252, Laws of 1993, define RACT for each source or source category and issue a rule or regulatory order requiring the installation of RACT.

*2.3.4.3* State Only: WAC 173-400-040(1) (7/1/16)

All emissions units are required to use RACT which may be determined for some sources or source categories to be more stringent than the applicable emission limitations of any chapter of Title 173 WAC. Where current controls are determined to be less than RACT, the permitting authority shall, as provided in RCW 70.94.154, define RACT for each source or source category and issue a rule or regulatory order requiring the installation of RACT.

*2.3.4.4* State Only: NWCAA 309 (10/8/15)

Reasonably Available Control Technology (RACT) is required for all existing sources except as otherwise provided in RCW 70.94.331(9). Where current controls are determined by the NWCAA to be less than RACT, the NWCAA shall define RACT for that

source or source category and issue a rule or an order under NWCAA 121 requiring the installation of RACT. Emission standards and other requirements contained in rules or regulatory orders in effect at the time of operating permit issuance shall be considered RACT for purposes of operating permit issuance or renewal.

### **2.3.5 Emergencies**

#### WAC 173-401-645 (11/4/93)

An emergency, as defined in WAC 173-401-645(1), constitutes an affirmative defense to an action brought for noncompliance with a technology-based emission limitation if conditions of WAC 173-401-645 (3) and (4) are met. This provision is in addition to the affirmative defense for unavoidable excess emissions found in any applicable requirement.

The permittee shall submit a notice of emergency to the NWCAA within two working days of the time when the emission limitation was exceeded due to an emergency or shorter periods of time specified in an applicable requirement.

## **2.4 Recordkeeping and Reporting**

### **2.4.1 Compliance Certification**

#### 2.4.1.1 WAC 173-401-630(5) (11/4/93)

The permittee shall submit ongoing certifications of compliance with permit terms and conditions. The first such certification shall cover the period from the last compliance certification until issuance of this permit. The following compliance certification shall cover the period from permit issuance to the end of the calendar year. Subsequent compliance certifications shall be made on a yearly basis. Each certification shall include:

- (i) Identification of each term and condition of the permit that is the basis of the certification;
- (ii) Compliance status;
- (iii) Whether the compliance was continuous or intermittent;
- (iv) Methods used for determining the compliance status of the source, currently and over the reporting period. These methods must be consistent with the permit Monitoring, Recordkeeping, and Reporting requirements.

All compliance certifications shall be submitted to EPA Region 10 and the Northwest Clean Air Agency at the following addresses by February 28 for the previous calendar year:

U.S. EPA, Region 10  
Office of Air, Waste, and Toxics  
Attn: Air Operating Permits  
1200 Sixth Avenue, Suite 900, AWT-150  
Seattle, WA 98101

Northwest Clean Air Agency  
Attn: Air Operating Permits  
1600 South Second Street  
Mount Vernon, WA 98273-5202

2.4.1.2 WAC 173-401-520 (11/4/93)

Any application form, report or compliance certification that is submitted pursuant to this permit shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under this permit shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

2.4.1.3 WAC 173-401-615 (10/17/02) and -630 (11/4/93)  
Directly enforceable under WAC 173-401-615(1)(b) & (c) (10/17/02)

All required monitoring reports must be certified by a responsible official consistent with WAC 173-401-520. Where an applicable requirement requires reporting more frequently than once every six months, the responsible official's certification need only to be submitted once every six months, covering all required reporting since the date of the last certification, provided that the certification specifically identifies all documents subject to the certification.

All semiannual monitoring certifications are due as follows:

- January 31 for reports from July through December
- July 31 for reports from January through June

2.4.1.4 WAC 173-401-530(2)(d) (10/17/02)

Where a permit does not require testing, monitoring, recordkeeping and reporting for insignificant emissions units or activities, the permittee may certify continuous compliance if there were no observed, documented, or known instances of noncompliance of an insignificant emission unit during the reporting period. Where an underlying OAC requires testing, monitoring, recordkeeping and reporting for insignificant emission units or activities, the permittee may certify continuous compliance when the testing, monitoring and recordkeeping required by the permit revealed no violations during the period, and there were no observed, documented or known instances of noncompliance during the reporting period.

**2.4.2 False and Misleading Oral Statement: Unlawful Reproduction or Alteration of Documents**

2.4.2.1 NWCAA 112 (2/14/73)

No person shall willfully make a false or misleading oral statement to the Board as to any matter within the jurisdiction of the Board.

No person shall reproduce or alter or cause to be reproduced or altered any order or other paper issued by the Agency if the purpose of such reproduction or alteration is to evade or violate any provision or Regulation of this Agency, or any other law.

2.4.2.2 State Only: NWCAA 112 (11/12/99)

No person shall willfully make a false or misleading oral statement to the NWCAA Board, Control Officer, or their duly authorized representatives as to any matter within the jurisdiction of the Board.

No person shall reproduce or alter or cause to be reproduced or altered any order or other paper issued by the NWCAA if the purpose of such reproduction or alteration is to evade or violate any provision or Regulation of the NWCAA, or any other law.

### **2.4.3 Required Recordkeeping**

#### *2.4.3.1 WAC 173-401-615(2)(10/17/02)*

Records of required monitoring information shall include, where applicable, the following:

- (i) Date, time, and location of sampling or measurements;
- (ii) Operating conditions existing at the time of sampling or measurement; and
- (iii) If analyses were performed, the date, company or entity performing the analyses, the analytical techniques or methods used, and the results of such analyses.

A record shall be kept describing changes made that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and the emissions resulting from those changes.

Records of all required monitoring data and support information shall be retained for a period of five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit.

#### *2.4.3.2 WAC 173-401-615 (10/17/02) and -630 (11/4/93) Directly enforceable under WAC 173-401-615(1)(b) & (c) (10/17/02)*

Monitoring and associated recordkeeping is not required when an emission unit is not operating and there are no emissions to the atmosphere unless such monitoring is specifically required by the NWCAA. The facility must record the time periods that the unit is shut down and not monitored, and include the time periods and a summary of why the emission unit was shut down in the periodic report of monitoring required by WAC 173-401-615(3)(a).

### **2.4.4 Pollutant Disclosure - Reporting by Air Contaminant Sources**

#### *2.4.4.1 NWCAA 150 (9/8/93) and WAC 173-400-105(1) (9/20/93)*

The permittee shall file annually at a time determined by the NWCAA and on forms furnished by the NWCAA a report setting forth:

- (i) The nature of the enterprise;
- (ii) A list of process materials which are potentially significant sources of emissions used in, and incidental to, its manufacturing processes, including any by-products and waste products;
- (iii) An estimated annual total production of wastes discharged into the air in units and contaminants designated by the NWCAA.

Annual emission reports shall be submitted to the NWCAA within 105 days after the end of the previous calendar year. If the emission report is not submitted by the required date and the emissions are used to determine operating permit fees as described in NWCAA 324.126 then potential to emit will be used to determine said fees.

The permittee shall maintain records of information necessary to substantiate any reported emissions, consistent with the averaging times for the applicable standards.

2.4.4.2 State Only: WAC 173-400-105(1) (7/1/16)

In addition to the requirements of 2.4.4.1, the permittee shall report oxides of nitrogen, PM<sub>2.5</sub>, and ammonia on forms available from the NWCAA or Ecology. Emission estimates may be based on the most recent published EPA emission factors or other information available to the source, whichever is the better estimate.

2.4.4.3 State Only: NWCAA 150 (11/8/07)

Annual emission reports shall be submitted to the NWCAA no later than April 15 of the following calendar year. If the emission report is not submitted by the required date and the emissions are used to determine operating permit fees as described in NWCAA Regulation 322.4, then potential to emit may be used to determine said fees.

## **2.4.5 Greenhouse Gas (GHG) Reporting**

2.4.5.1 State Only: WAC 173-441-030(1), (2), (4), and (5) (3/1/15)

GHG reporting is mandatory for:

- (i) An owner or operator of any facility listed in WAC 173-441-120 that emits ten thousand metric tons CO<sub>2</sub>e or more per calendar year in total GHG emissions as calculated according to WAC 173-441-030(1)(b).
- (ii) Any supplier that supplies applicable fuels that are reported to DOL as sold in Washington state of which the complete combustion or oxidation would result in total calendar year emissions of ten thousand metric tons or more of carbon dioxide as calculated according to WAC 173-441-030(2)(b).

A person may choose to voluntarily report to Ecology GHG emissions that are not required to be reported under WAC 173-441-030(1) or (2). Persons voluntarily reporting GHG emissions must use the methods established in WAC 173-441-120(3) and 173-441-130 to calculate any voluntarily reported GHG emissions.

Once a facility or supplier is subject to the requirements of this chapter, the person must continue for each year thereafter to comply with all requirements of this chapter, including the requirement to submit annual GHG reports, even if the facility or supplier does not meet the applicability requirements in WAC 173-441-030(1) or (2) of this section in a future year, except as provided in WAC 173-441-030(5)(a)-(c).

2.4.5.2 State Only: WAC 173-441-050 (10/16/16)

Follow the procedures for emission calculation, monitoring, quality assurance, missing data, recordkeeping, and reporting that are specified in each relevant section of WAC 173-441.

Beginning calendar year 2012 for existing facilities or suppliers, the annual GHG report shall contain the information required per WAC 173-441-050(3) and (4) and be submitted to Ecology no later than:

- (i) March 31st of each calendar year for GHG emissions in the previous calendar year if the facility is required to report GHG emissions to the U.S. EPA per 40 CFR 98.
- (ii) October 31st of each calendar year for GHG emissions in the previous calendar year if the facility is not required to report GHG emissions to the U.S. EPA per 40 C.F.R. Part 98.

For any facility or supplier that becomes subject to this rule because of a physical or operational change that is made after January 1, 2012, report emissions for the first calendar year in which the change occurs according to WAC 173-441-050(2)(b)(iii)(A) through (C).

Retain all required records for at least three years in a form that is suitable for expeditious inspection and review, including a GHG monitoring plan per WAC 173-441-050(6)(e).

Note: Under WAC 173-401-615(2), records of required monitoring data and support information shall be retained for a period of five years from the date of the monitoring sample, measurement, report, or application.

*2.4.5.3 State Only: WAC 173-441-060 and -070 (3/1/15)*

Each such submission shall be signed by a representative designated in accordance with WAC 173-441-060 and 40 CFR 3.10 as adopted on October 13, 2005 and shall include the following certification statement signed by the designated representative or any alternate designated representative:

"I am authorized to make this submission on behalf of the owners and operators of the facility or supplier, as applicable, for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

Each GHG report and certificate of representation for a facility or supplier must be submitted electronically in accordance with the requirements of WAC 173-441-050 and 173-441-060 and in a format specified by Ecology.

*2.4.5.4 State Only: WAC 173-441-100 (1/1/11)*

All requests, notifications, and communications to Ecology pursuant to this chapter, other than submittal of the annual GHG report, shall be submitted to the following address:

Greenhouse Gas Report, Air Quality Program  
Department of Ecology  
P.O. Box 47600  
Olympia, WA 98504-7600

**2.4.6 Reporting to Verify Emissions from Potential PSD Sources**

*State Only: WAC 173-400-720(4)(b)(iii) (7/1/16)*

The owner or operator shall monitor the emissions of any regulated pollutants from all projects for which PSD applicability was determined according to the provisions of 40 CFR 52.21(b)(41)(ii)(a) through (c), and calculate and maintain a record of annual emissions on a calendar year basis.

The owner or operator shall submit a report to NWCAA within 60 days after the end of

the year during which records must be generated under paragraph 40 CFR 52.21 (r)(6)(iii) setting out the unit's annual emissions, as monitored pursuant to 40 CFR 52.21 (r)(6)(iii), during the calendar year that preceded submission of the report. The report shall include the emissions in tons per year for the project, the baseline actual emissions and the pre-construction projected emissions.

#### **2.4.7 Reporting of Deviations from Permit Conditions**

WAC 173-401-615(3)(b) (10/17/02)

Directly enforceable under WAC 173-401-615(1)(b) & (c) (10/17/02)

Prompt Reporting of Deviations: The permittee shall promptly report all deviations from permit requirements, including those attributable to upset conditions as defined in this permit. The report shall include a description of the probable cause of such deviations, if known, and any corrective actions or preventive measures taken. Prompt means reporting according to the shortest time period listed below which applies to the situation:

- (i) In the case where the deviation represents a potential threat to human health or safety "prompt" means as soon as possible, but in no case later than twelve hours after the deviation is discovered. A follow up report on the deviation shall be included in the next monthly report.
- (ii) For all other deviations, the deviation shall be reported as part of the next routine monitoring report, but no later than 30 days after the end of the month during which the deviation is discovered, whichever is sooner.

#### **2.4.8 Report of Breakdown and Upset**

2.4.8.1 NWCAA 340.1, 340.2 and 340.3 (10/13/94)

If a breakdown or upset condition occurs which results in or may have resulted in an emission and/or ambient air quality standard being exceeded, the owner or operator of the source shall take the following actions:

- (i) The upset or breakdown shall be reported as promptly as possible and in no event later than twelve (12) hours to the NWCAA.
- (ii) The person responsible shall, upon the request of the Control Officer, submit a full report within ten (10) days including the known causes, corrective measures taken, and preventive measures to be taken to minimize or eliminate a recurrence.

Compliance with the requirements of this section does not relieve the owner or operator of the source from the responsibility to maintain continuous compliance with all the requirements of the NWCAA Regulation nor from the resulting liabilities for failure to comply.

It shall be prima facie evidence of violation of the NWCAA Regulation if any control equipment or other equipment creating emissions to the atmosphere is turned off, broken down or otherwise inoperative, and a notice of breakdown has not been filed under NWCAA 340.1.

2.4.8.2 State Only: NWCAA 340.1, 340.2 and 340.3 (11/8/07)

If a breakdown or upset condition occurs which results in or may have resulted in an

exceedance of an emission and/or ambient air quality standard, the owner or operator of the source shall take the following actions:

- (i) The upset or breakdown shall be reported as promptly as possible and in no event later than twelve (12) hours to the NWCAA.
- (ii) The responsible official or his designee shall submit a full report on forms provided by the NWCAA within 30 days after the end of a calendar month in which the upset occurred and must include as a minimum the known causes, corrective action taken, preventive measures put in place to reduce the possibility of or eliminate a recurrence, and an estimate of the quantity of emissions above the applicable limit caused by the event.

In addition to the reporting requirements of the 10/13/94 version of NWCAA 340, the permittee must also report to the NWCAA if the emission release to the air requires agency notification as specified in 40 CFR 302 (CERCLA) or 40 CFR 355 (SARA).

It shall be prima facie evidence of violation of the NWCAA Regulation if:

- (i) any control equipment is turned off, broken down or otherwise inoperative, and a notice of breakdown has not been filed under Section 340.1, or
- (ii) any other equipment creates new or increased emissions to the atmosphere as the result of being turned off, broken down or otherwise inoperative, and a notice of breakdown has not been filed under NWCAA 340.1.

#### **2.4.9 Report of Shutdown or Startup**

##### *2.4.9.1 NWCAA 341 (9/8/93)*

If the permittee schedules a total or partial shutdown or startup of control or process equipment which may result in emissions or any additional emissions to the atmosphere which may temporarily exceed the emission standards of this Regulation, the permittee shall notify the NWCAA prior to the shutdown or startup.

Prompt notification shall be made and in no event less than 24 hours before the scheduled shutdown or startup. The permittee shall submit a general schedule of steps to be taken to minimize the release of air contaminants to the atmosphere including the reasons for and duration of the proposed shutdown or startup, the nature of the action to be taken, the date and time for the action and an estimate of the anticipated rate and concentration of emission.

Compliance with the requirements of this section does not relieve the owner or operator of the source from the responsibility to maintain continuous compliance with the requirements of this Regulation nor from the resulting liabilities for failure to comply.

##### *2.4.9.2 State Only: NWCAA 341 (7/14/05)*

If the permittee schedules a total or partial shutdown or startup of control or process equipment that the source reasonably believes would result in emissions which may temporarily exceed an emission standard of this Regulation, the operator or owner of the source shall notify the NWCAA in advance of the shutdown or startup.

The advanced notification shall include a general schedule of steps to be taken to minimize the release of air contaminants to the atmosphere including the reasons for and duration of the proposed shutdown or startup, the nature of the action to be taken,

the date and time for the action and an estimate of the anticipated rate and concentration of emission.

Compliance with the requirements of this section does not relieve the owner or operator of the source from the responsibility to maintain continuous compliance with the requirements of this Regulation nor from the resulting liabilities for failure to comply.

Excess emissions due to shutdown or startup shall be considered unavoidable, and not subject to penalty, provided the stationary source adequately demonstrates that the excess emissions could not have been prevented through careful planning and design, the emissions did not result in a violation of an ambient air quality standard and if a bypass of control equipment occurs, that such bypass is necessary to prevent loss of life, personal injury, or severe property damage.

The responsible official or their designee shall submit a full report no later than 30 days after the end of the calendar month in which the shutdown or startup occurred that resulted in an exceedance of an ambient or emission standard of this Regulation. The report shall be submitted on forms provided by the NWCAA and must include, at minimum, the known causes, corrective action taken, preventive measures put in place to reduce the possibility of or eliminate a recurrence, and an estimate of the quantity of emissions above the applicable limit caused by the event.

#### **2.4.10 Operation and Maintenance**

##### *2.4.10.1 NWCAA 342 (9/8/93)*

Keep all process and/or air pollution control equipment in good operating condition and repair. If a breakdown or upset condition occurs and is determined by the Control Officer to be due to poor operating and maintenance procedures, the Control Officer may take any legal steps necessary to prevent a recurrence of the breakdown or upset condition.

Operation and maintenance instructions and schedules for process and/or control equipment must be available and may be required to be posted on the site. This section is specifically applicable to the operation of equipment where untrained personnel may operate or otherwise have access to or use the equipment.

If a breakdown or violation occurs and is due to the improper operation or maintenance of equipment, the owner or operator of the source will, in addition to filing a report of breakdown under NWCAA 340, submit a report if requested by the Control Officer on what measures will be taken in training or re-orienting personnel to prevent a recurrence of the breakdown.

##### *2.4.10.2 State Only: NWCAA 342 (7/14/05)*

All air contaminant stationary sources are required to keep any process and/or air pollution control equipment in good operating condition and repair.

Operating instructions and maintenance schedules for process and/or control equipment must be available on site.

## 2.5 Excess Emissions

### 2.5.1 Excess Emission

WAC 173-400-107 (9/20/93) (State Only – 4/1/11)

The permittee shall have the burden of proving to Ecology or the NWCAA or the decision-making authority in an enforcement action that excess emissions were unavoidable. Excess emissions determined to be unavoidable under the procedures and criteria of this section shall be excused and not subject to penalty.

Excess emissions which represent a potential threat to human health or safety or which the owner or operator of the source believes to be unavoidable shall be reported to the NWCAA as soon as possible. Other excess emissions shall be reported within thirty days after the end of the month during which the event occurred or as part of the routine emission monitoring reports. Upon request by Ecology or the NWCAA, the permittee shall submit a full written report including the known causes, the corrective actions taken, and the preventive measures to be taken to minimize or eliminate the chance of recurrence.

Excess emissions due to startup or shutdown conditions shall be considered unavoidable provided the source reports as required and adequately demonstrates that the excess emissions could not have been prevented through careful planning and design and if a bypass of control equipment occurs, that such bypass is necessary to prevent loss of life, personal injury, or severe property damage.

Excess emissions due to scheduled maintenance shall be considered unavoidable provided the source reports as required and adequately demonstrates that the excess emissions could not have been prevented through reasonable design, better scheduling for maintenance or through better operation and maintenance practices.

Excess emissions due to upsets shall be considered unavoidable provided the source reports as required and adequately demonstrates that:

- (i) The event was not caused by poor or inadequate design, operation, maintenance, or any other reasonably preventable condition;
- (ii) The event was not of a recurring pattern indicative of inadequate design, operation, or maintenance; and
- (iii) The permittee took immediate and appropriate corrective action in a manner consistent with good air pollution control practice for minimizing emissions during the event, taking into account the total emissions impact of the corrective action, including slowing or shutting down the emission unit as necessary to minimize emissions, when the operator knew or should have known that an emission standard or permit condition was being exceeded.

### 2.5.2 Excess Emissions Due to Breakdowns, Upsets, Startup, or Shutdown

State Only: NWCAA 340.4 (11/8/07) and 341.4 (7/14/05)

Excess emissions due to breakdowns and upsets shall be considered unavoidable, and not subject to penalty, provided the stationary source adequately demonstrates that:

- (i) The event was not caused by poor or inadequate design, operation, maintenance, or any other reasonably preventable condition;

- (ii) The event was not of a recurring pattern indicative of inadequate design, operation, or maintenance;
- (iii) The operator took immediate and appropriate corrective action in a manner consistent with good air pollution control practice; and
- (iv) The emissions did not result in a violation of an ambient air quality standard.

Excess emissions due to shutdown or startup shall be considered unavoidable, and not subject to penalty, provided the stationary source adequately demonstrates that the excess emissions could not have been prevented through careful planning and design, the emissions did not result in a violation of an ambient air quality standard and if a bypass of control equipment occurs, that such bypass is necessary to prevent loss of life, personal injury, or severe property damage.

## **2.6 Duty to Supplement or Correct Information**

*State Only: WAC 173-401-500(6) (10/17/02)*

Upon becoming aware that the source failed to submit any relevant facts in a permit application or that information submitted in a permit application is incorrect, the source shall promptly submit such supplementary facts or corrected information.

## **2.7 Prohibitions**

### **2.7.1 Concealment and Masking**

*2.7.1.1 WAC 173-400-040(7) (9/20/93) and State Only: WAC 173-400-040(8) (7/1/16)*

No person shall cause or permit the installation or use of any means which conceals or masks an emission of an air contaminant which would otherwise violate any provisions of this chapter.

*2.7.1.2 State Only: NWCAA 540 (1/8/69)*

It shall be unlawful for any person to willfully cause or permit the installation or use of any device or use of any means which, without resulting in a reduction in the total amount of air contaminant emitted, conceals an emission of air contaminant which would otherwise violate the emission standards of this Regulation.

It shall be unlawful for any person to cause or permit the installation or use of any device or use of any means designed to mask the emission of an air contaminant, which causes detriment to health, safety, or welfare of any person.

### **2.7.2 Adjustment for Atmospheric Conditions**

*WAC 173-400-205 (3/22/91)*

The permittee shall not vary the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant except as directed according to air pollution episode regulations.

### **2.7.3 Outdoor Burning**

2.7.3.1 WAC 173-425-036 (10/18/90) and WAC 173-425-045 (1/3/89), WAC 173-435-050(2) (01/3/89) Although SIP-Approved, WAC 173-425-036, -045, and -055 (referenced below) have been repealed.

No person shall conduct outdoor burning during an air pollution episode or a declared period of impaired air quality. Except as provided in WAC 173-425-055, the following materials shall not be burned in any open fire: (1) garbage, (2) dead animals, (3) asphaltic products, (4) waste petroleum products, (5) paints, (6) rubber products, (7) plastics, (8) treated wood, and (9) any substance, other than natural vegetation, which normally emits dense smoke or obnoxious odors.

2.7.3.2 State Only: WAC 173-425-040, 050, and 060 (4/13/00), NWCAA 502 (9/11/14)

No person shall conduct outdoor burning except in accordance with the applicable regulations listed above. Outdoor burning shall be conducted under a valid fire permit and shall not contain prohibited materials, unless specifically exempted. Emissions from burning shall not create a nuisance and/or interfere with visibility on any public road.

### **2.7.4 Asbestos**

2.7.4.1 State Only: NWCAA 570 (9/11/14)

The permittee shall conduct all renovation or demolition projects in accordance with the applicable asbestos control standards listed in NWCAA 570.

2.7.4.2 40 CFR 61.145 (1/16/91), 61.148 (11/20/90) and 61.150 (9/18/03)

The permittee shall comply with 40 CFR Sections 61.145, 61.148 and 61.150 when conducting any renovation or demolition at the facility.

### **2.7.5 Stratospheric Ozone and Climate Protection**

2.7.5.1 40 CFR 82 Subpart F (10/28/14)

The permittee shall comply with the standards for recycling and emissions reduction in accordance with the requirements listed in 40 CFR 82 Subpart F.

2.7.5.2 State Only: RCW 70.94.970 (1991 c 199 §602)

A person who services, repairs or disposes of a motor vehicle air conditioning system; commercial or industrial air conditioning, heating, or refrigeration system; or consumer appliance shall use refrigerant extraction equipment to recover regulated refrigerant that would otherwise be released into the atmosphere. This subsection does not apply to off-road commercial equipment.

The willful release of regulated refrigerant from a source listed in this section is prohibited.

### **2.7.6 Display of Orders, Certificates and Other Notices: Removal or Mutilation Prohibited**

NWCAA 124 (2/14/73)

Any order or other certificate obtained from the NWCAA shall be available at the facility.

If the NWCAA requires a notice to be displayed, it shall be posted. No one shall mutilate, obstruct or remove any notice unless authorized to do so by the NWCAA.

### **2.7.7 Obstruction of Access**

*State Only: RCW 70.94.200, (1987 c 109 §38)*

The permittee shall not obstruct, hamper or interfere with any authorized representative of the NWCAA who requests entry for the purposes of inspection and who presents appropriate credential; nor shall any person obstruct, hamper, or interfere with any such inspection.

### **2.7.8 False Statement, Representation or Certification**

*State Only: WAC 173-400-105(6) (7/1/16)*

No person shall make any false material statement, representation or certification in any form, notice or report required under Chapter 70.94 or 70.120 RCW, or any ordinance, resolution, regulation, permit, or order in force pursuant thereto.

### **2.7.9 Inaccurate Monitoring**

*State Only: WAC 173-400-105(8) (4/1/11)*

No person shall render inaccurate any monitoring device or method required under Chapter 70.94 or 70.120 RCW, or any ordinance, resolution, regulation, permit, or order in force pursuant thereto.

### **2.7.10 Prevention of Accidental Release**

*40 CFR 68 (4/9/04)*

Should this stationary source, as defined in 40 CFR Section 68.3, become subject to the accidental release prevention regulations in part 68, then the owner or operator shall submit a risk management plan (RMP) by the date specified in Section 68.10 and shall certify compliance with the requirements of Part 68 as part of the annual compliance certification as required by 40 CFR Part 70.

### **2.7.11 Cutback Asphalt Paving**

*NWCAA 580.7 (4/14/93)*

The application of cutback asphalt in paving during the months of June, July, August and September is limited to use as prime coatings and patch mixes, or when the temperature is less than 50°F.

### **2.7.12 Creditable Stack Height and Dispersion Techniques**

*WAC 173-400-200 (3/22/91) (State Only - 2/10/05)*

For stacks for which construction or reconstruction commenced, or for which major modifications were carried out, after December 31, 1970, no source may use dispersion techniques or excess stack height to meet ambient air quality standards or PSD increment limitations.

## **2.8 Notice of Construction and Application for Approval/New Source**

## Review

### 2.8.1 Minor New Source Review (NSR)

*2.8.1.1 NWCAA 300, 301, 302 & 324.2 (10/13/94), and NWCAA 303 (8/9/78)*

No person shall construct, install, establish, modify or alter an air contaminant source or an emission unit without filing a "Notice of Construction and Application for Approval" and receiving approval from the NWCAA in accordance with the cited regulations.

*2.8.1.2 State Only: WAC 173-400-111, 113 (12/29/12), WAC 173-460-010 through -150 (6/20/09), NWCAA 300.1-300.12 (8/13/15), NWCAA 301 (11/17/11), 303 (11/12/98), and 324.2 (9/11/14)*

A Notice of Construction application must be filed by the owner or operator and an Order of Approval issued by the NWCAA prior to the establishment of any new source in accordance with the cited regulations. For purposes of this section "establishment" shall mean to "begin actual construction" as that phrase is defined in NWCAA 200, and "new source" shall include any "modification" to an existing "stationary source" as those terms are defined in NWCAA 200.

A temporary source not exempt under NWCAA 300.4 or 300.5 shall be allowed to operate at a temporary location without filing a NWCAA Notice of Construction application or, for nonroad engines, obtaining a regulatory order from the NWCAA, provided that the temporary source meets the applicable requirements of NWCAA 301.2, including notification. Nonroad engines regulated by this section are limited to those that are portable or transportable but operate in a stationary manner.

### 2.8.2 General Order

*State Only: WAC 173-400-560 (12/29/12) and NWCAA 300.14 (8/13/15)*

An owner or operator may apply for an applicable general order for approval to construct certain specified sources as defined in WAC 173-400-560. A general order of approval shall identify criteria by which an emission unit or source may qualify for coverage under a general order of approval and shall include terms and conditions for installing and/or operating the source.

### 2.8.3 Requirements to Comply

*State Only: NWCAA 300.15 (8/13/15)*

It shall be unlawful for an owner or operator of a source or emission unit to not abide by the operating and reporting conditions in the Order of Approval.

### 2.8.4 Prevention of Significant Deterioration (PSD)

*State Only: WAC 173-400-700 (4/1/11), WAC 173-400-117, -710, -720, -730, -740, -750 (12/29/12)*

A Prevention of Significant Deterioration (PSD) permit application must be filed by the owner or operator and a PSD permit issued by Ecology prior to the establishment of any new source in accordance with the cited regulations. No major stationary source or major modification as defined in the cited regulation shall begin actual construction without having received a PSD permit. Allowable emissions from the proposed major stationary source or major modification shall not cause or contribute to a violation of

any ambient air quality standard.

An applicant for a PSD permit must submit an application that provides complete information for Department of Ecology to determine compliance with all PSD program requirements. Detailed procedures for submitting a complete application, for public review and involvement, and for revisions to an existing PSD permit are provided in the cited regulations (WAC 173-400-700 through 750).

### **2.8.5 Replacement or Substantial Alteration of Control Technology at an Existing Source**

*State Only: NWCAA 300.13 (8/13/15)*

Any person proposing to replace or substantially alter emission control technology installed on an existing stationary source or emission unit shall file a Notice of Construction application with the NWCAA.

## **2.9 Greenhouse Gas Regulation**

*WAC 173-401-200 (19) & (35) (9/10/11)*

Greenhouse gases (GHGs), the air pollutant defined in 40 CFR 86.1818-12(a) as the aggregate group of six greenhouse gases: Carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, shall not be subject to regulation unless, as of July 1, 2011, the GHG emissions are at a stationary source emitting or having the potential to emit 100,000 tpy CO<sub>2</sub> equivalent emissions.

The term "tpy (tons per year) CO<sub>2</sub> equivalent emissions" (CO<sub>2</sub>e) shall represent an amount of GHGs emitted, and shall be computed by multiplying the mass amount of emissions (tpy), for each of the six greenhouse gases in the pollutant GHGs, by the gas's associated global warming potential published at Table A-1 to subpart A of 40 CFR part 98 - Global Warming Potentials, and summing the resultant value for each to compute a tpy CO<sub>2</sub>e.

"Subject to regulation" means, for any air pollutant, that the pollutant is subject to either a provision in the FCAA, or a nationally applicable regulation codified by EPA in subchapter C of 40 CFR chapter 1 (in effect on October 6, 2010), that requires actual control of the quantity of emissions of that pollutant, and that such a control requirement has taken effect and is operative to control, limit or restrict the quantity of emissions of that pollutant released from the regulated activity.

## **SECTION 3 STANDARD TERMS AND CONDITIONS FOR NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS**

Standard terms and conditions are administrative and/or other requirements that typically have no ongoing compliance monitoring requirements. The permittee must comply with the requirements listed below for specific “affected facilities” as defined in the New Source Performance Standards (NSPS) in 40 CFR Part 60.2, “affected sources” defined in the National Emission Standards for Hazardous Air Pollutants (NESHAP) in 40 CFR Part 63.2, and owners or operators of any stationary source for which a standard is prescribed under 40 CFR Part 61. The affected facilities, affected sources, and stationary sources subject to these requirements are identified in Section 5 of the permit. The conditions in this section do not apply generally to all emission units at the facility.

The EPA delegates NSPS and NESHAP implementation and enforcement authority to NWCAA on a periodic basis. Some conditions in this section cite the NSPS delegation letter or the NESHAP delegation letter from EPA Region 10 to NWCAA because the letter clarifies certain Federal requirements. For example, the delegation letters state that NWCAA shall be the recipient of all notifications and reports and be the point of contact for questions and compliance issues regarding delegated standards. The delegation letters also specify the extent of NSPS and NESHAP delegation to the NWCAA. Current delegation letters are available for review on the NWCAA website and at the NWCAA office.

Some of the terms and conditions cited below refer to the “Administrator”. For delegated NSPS and NESHAP requirements, “Administrator” means NWCAA; for NSPS and NESHAP requirements that have not been delegated to NWCAA, “Administrator” means the Administrator of the United States Environmental Protection Agency.

### **3.1 Prohibited Activities and Circumvention**

*Title 40 CFR 63.4 (4/5/02), NWCAA 104.2 (8/11/16)*

No owner or operator subject to the provisions of this part must operate any affected source in violation of the requirements of this part. Affected sources subject to and in compliance with either an extension of compliance or an exemption from compliance is not in violation of the requirements of this part. An extension of compliance can be granted by the Administrator under this part; by a State with an approved permit program; or by the President under Section 112(i)(4) of the Act.

No owner or operator subject to the provisions of this part shall fail to keep records, notify, report, or revise reports as required under this part.

No owner or operator subject to the provisions of this part shall build, erect, install, or use any article, machine, equipment, or process to conceal an emission that would otherwise constitute noncompliance with a relevant standard. Such concealment includes, but is not limited to –

- (i) The use of diluents to achieve compliance with a relevant standard based on the concentration of a pollutant in the effluent discharged to the atmosphere;

- (ii) The use of gaseous diluents to achieve compliance with a relevant standard for visible emissions.

Fragmentation after November 15, 1990 which divides ownership of an operation, within the same facility among various owners where there is no real change in control, will not affect applicability. The owner and operator must not use fragmentation or phasing of reconstruction activities (i.e., intentionally dividing reconstruction into multiple parts for purposes of avoiding new source requirements) to avoid becoming subject to new source requirements.

### **3.2 Requirements for Existing, Newly Constructed, and Reconstructed 40 CFR Part 63 NESHAP Sources**

*40 CFR 63.5(b)(1), (3), (4), (6) (4/5/02), NWCAA 104.2 (8/11/16)*

A new affected source for which construction commences after proposal of a relevant standard is subject to relevant standards for new affected sources, including compliance dates. An affected source for which reconstruction commences after proposal of a relevant standard is subject to relevant standards for new sources, including compliance dates, irrespective of any change in emissions of hazardous air pollutants from that source.

After the effective date of any relevant standard promulgated by the Administrator under this part, no person may, without obtaining written approval in advance from the Administrator in accordance with the procedures in paragraphs (d) and (e) of this Part 63.5, do any of the following:

- (i) Construct a new affected source that is major-emitting and subject to such standard;
- (ii) Reconstruct an affected source that is major-emitting and subject to such standard; or
- (iii) Reconstruct a major source such that the source becomes an affected source that is major-emitting and subject to the standard.

After the effective date of any relevant standard promulgated by the Administrator under this part, an owner or operator who constructs a new affected source that is not major-emitting or reconstructs an affected source that is not major-emitting that is subject to such standard, or reconstructs a source such that the source becomes an affected source subject to the standard, must notify the Administrator of the intended construction or reconstruction. The notification must be submitted in accordance with the applicable procedures in 63.9(b).

After the effective date of any relevant standard promulgated by the Administrator under this part, equipment added (or a process change) to an affected source that is within the scope of the definition of affected source under the relevant standard must be considered part of the affected source and subject to all provisions of the relevant standard established for that affected source.

### **3.3 Operation and Maintenance**

40 CFR 63.6(e)(1)(i),(ii), and (iii) (4/20/06), NWCAA 104.2 (8/11/16)

- (i) At all times, including periods of startup, shutdown, and malfunction, owners or operators must operate and maintain any affected source, including associated air pollution control and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. During a period of startup, shutdown, or malfunction, this general duty to minimize emissions requires that the owner or operator reduce emissions from the affected source to the greatest extent which is consistent with safety and good air pollution control practices. The general duty to minimize emissions during a period of startup, shutdown, or malfunction does not require the owner or operator to achieve emission levels that would be required by the applicable standard at other times if this is not consistent with safety and good air pollution control practices, nor does it require the owner or operator to make any further efforts to reduce emissions if levels required by the applicable standard have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures (including the startup, shutdown, and malfunction plan required in paragraph (e)(3) of this section), review of operation and maintenance records, and inspection of the source.
- (ii) Malfunctions must be corrected as soon as practicable after their occurrence. To the extent that an unexpected event arises during a startup, shutdown, or malfunction, an owner or operator must comply by minimizing emissions during such a startup, shutdown, and malfunction event consistent with safety and good air pollution control practices.
- (iii) Operation and maintenance requirements established pursuant to section 112 of the Act are enforceable independent of emissions limitations or other requirements in relevant standards.

### **3.4 Extension of Compliance for Early Reductions and Other Reductions**

Title 40 CFR 63.6(i) (4/20/06) and 63.9(c) (5/30/03), NWCAA 104.2 (8/11/16)

Until a compliance extension has been granted by the Administrator (or a State with an approved permit program) under this paragraph, the owner or operator of an affected source subject to the requirements of this section shall comply with this part's applicable requirements. A compliance extension may be possible if a request for extension of compliance meets 63.6(i)(3) through 63.6(i)(6).

### **3.5 Notification of Performance Tests**

Notification of Performance Tests for Part 63 NESHAP Sources  
40 CFR 63.7(b) (2/27/14) and 63.9(e) (5/30/03), NWCAA 104.2 (8/11/16)

The owner or operator of an affected source shall notify the Administrator in writing of his or her intention to conduct a performance test at least 60 calendar days before the performance test is scheduled to begin to allow the Administrator to review and

approve the site-specific test plan required under 40 CFR 63.7(c), if requested by the Administrator, and to have an observer present during the test.

### **3.6 Conduct of Performance Tests**

*Conduct of Performance Tests for Part 63 NESHAP Sources (except Subpart DDDDD) 40 CFR 63.7 (2/27/14), 63.9(e) (5/30/03), NWCAA 104.2 (8/11/16)*

If required to do performance testing by a relevant standard, the owner or operator of the affected source must perform such tests within 180 days of the compliance date for such source. The Administrator may require an owner or operator to conduct performance tests at the affected source at any other time when the action is authorized by section 114 of the Act.

Performance tests shall be conducted under such conditions as the Administrator specifies to the owner or operator based on representative performance (i.e., performance based on normal operating conditions) of the affected source. Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test, nor shall emissions in excess of the level of the relevant standard during periods of startup, shutdown, and malfunction be considered a violation of the relevant standard unless otherwise specified in the relevant standard or a determination of noncompliance is made under 63.6(e). Upon request, the owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of performance tests.

Unless otherwise specified in a relevant standard or test method, results of a performance test shall include the analysis of samples, determination of emissions, and raw data. The owner or operator of an affected source shall report the results of the performance test to the Administrator before the close of business on the 60th day following the completion of the performance test, unless specified otherwise in a relevant standard.

### **3.7 Address for Reports, Notifications and Submittals**

*40 CFR 63.9(a) (5/30/03), 63.10(a) (4/20/06), 63.12(c) (3/16/94), 63.13 (11/12/10), (as amended by Delegation Letter dated 5/16/14 from Kate Kelly, Director of the Office of Air, Waste, and Toxics, EPA Region 10 to Mark Asmundson, Director of NWCAA), NWCAA 104.2 (8/11/16)*

Notifications, reports, and applications for delegated Part 63 National Emission Standards for Hazardous Air Pollutants (NESHAPs) shall be sent to the NWCAA at the following address:

Northwest Clean Air Agency  
1600 South Second Street  
Mount Vernon, WA 98273-5202

Notifications, reports, and applications under NESHAP authorities that have been excluded from delegation shall be submitted to the EPA at the following address:

Director, Office of Air, Waste, and Toxics U.S. EPA Region 10  
1200 Sixth Avenue  
Seattle WA 98101

All information required to be submitted to the EPA under this part also shall be

submitted to the appropriate State agency of any State to which authority has been delegated under section 112(l) of the Act, provided that each specific delegation may exempt sources from a certain Federal or State reporting requirement. The Administrator may permit all or some of the information to be submitted to the appropriate State agency only, instead of to the EPA and the State agency.

### **3.8 Notification**

#### **3.8.1 Notification Requirements for New or Reconstructed Part 63 NESHAP Sources**

*40 CFR 63.9(b)(4) (5/30/03), NWCAA 104.2 (8/11/16)*

The owner or operator of a new or reconstructed major affected source for which an application for approval of construction or reconstruction is required under 63.5(d) must provide the following information in writing to the Administrator:

- (i) A notification of intention to construct a new major-emitting affected source, reconstruct a major-emitting affected source, or reconstruct a major source such that the source becomes a major-emitting affected source with the application for approval of construction or reconstruction as specified in 63.5(d)(1)(i); and
- (ii) A notification of the actual date of startup of the source delivered or postmarked within 15 calendar days after that date.

#### **3.8.2 Notification Requirements for Existing Part 63 NESHAP Sources Except 40 CFR Part 63 Subpart CC (Refinery MACT) Affected Sources**

*40 CFR 63.9(b)(2) and (j) (5/30/03), NWCAA 104.2 (8/11/16)*

The owner or operator of an affected source that has an initial startup before the effective date of a relevant standard under this part shall notify the Administrator in writing that the source is subject to the relevant standard. The notification, which shall be submitted not later than 120 calendar days after the effective date of the relevant standard (or within 120 calendar days after the source becomes subject to the relevant standard) shall provide the following information:

- (i) The name and address of the owner or operator;
- (ii) The address (i.e., physical location) of the affected source;
- (iii) An identification of the relevant standard, or other requirement that is the basis of notification and the source's compliance date;
- (iv) A brief description of the nature and size, design, and method of operation of the source and an identification of the types of emission points within the affected source subject to the relevant standard and the types of hazardous air pollutants emitted; and
- (v) A statement of whether the affected source is a major source or an area source.

Any change in the information provided under this section shall be provided to the Administrator in writing within 15 calendar days after the change.

### **3.9 Recordkeeping**

*Recordkeeping for Part 63 NESHAP Sources (except for Subpart DDDDD) 40  
CFR 63.10(b)(1) and (3) (4/20/06), NWCAA 104.2 (8/11/16)*

The owner or operator of an affected source shall maintain files of all information (including all reports and notifications) required by this part recorded in a form suitable and readily available for expeditious inspection and review. The files shall be retained for at least 5 years following the date of each occurrence, measurement, maintenance, corrective action, report or record. At a minimum, the most recent 2 years of data shall be retained on site. The remaining 3 years of data may be retained off site. Such files may be maintained on microfilm, on a computer, on computer floppy disks, on magnetic tape disks, or on microfiche.

If an owner or operator determines that his or her stationary source that emits (or has the potential to emit, without considering controls) one or more hazardous air pollutants regulated by any standard established pursuant to section 112(d) or (f), and that stationary source is in the source category regulated by the relevant standard, but that source is not subject to the relevant standard (or other requirement established under this part) because of limitations on the source's potential to emit or an exclusion, the owner or operator must keep a record of the applicability determination on site at the source for a period of 5 years after the determination, or until the source changes its operations to become an affected source, whichever comes first. The record of the applicability determination must be signed by the person making the determination and include an analysis (or other information) that demonstrates why the owner or operator believes the source is unaffected (e.g., because the source is an area source). The analysis (or other information) must be sufficiently detailed to allow the Administrator to make a finding about the source's applicability status with regard to the relevant standard or other requirement. If relevant, the analysis must be performed in accordance with requirements established in relevant subparts of this part for this purpose for particular categories of stationary sources. If relevant, the analysis should be performed in accordance with EPA guidance materials published to assist sources in making applicability determinations under section 112, if any.

## SECTION 4 GENERALLY APPLICABLE REQUIREMENTS

The cited requirements in the “Citation” column of Table 4-1 and incorporated herein by reference are applicable plantwide at the source, including insignificant emission units. These requirements are federally enforceable unless identified as “State Only”. A requirement designated “State Only” is enforceable only by the state or the NWCAA, and not by the EPA or through citizen suits. The “Description” column is a brief description of the applicable requirements for informational purposes only and is not enforceable. Periodic or continuous monitoring requirements (including testing) are specified in the “Monitoring, Recordkeeping and Reporting” column, which identifies monitoring, recordkeeping and reporting (MR&R) obligations the source must perform as required by WAC 173-401-605(1) and 615(1) and (2) or the underlying requirement. MR&R obligations do not apply to insignificant emission units.

Requirements in the MR&R column listed below the designation “Directly Enforceable” are legally enforceable requirements added under the NWCAA’s “gap-filling” authority [WAC 173-401-615(1)(b) & (c) (10/17/02)]. Other requirements not labeled “directly enforceable” are brief descriptions of the regulatory requirements for informational purposes and are not enforceable, unless they are identical to the cited requirement. Unless the text of the MR&R column is specifically identified to be directly enforceable, the language of the cited regulation takes precedence over a paraphrased requirement.

**Table 4-1 Generally Applicable Requirements – Plantwide**

Permit Term	Citation	Description	Monitoring, Recordkeeping, and Reporting
4.1 General	WAC 173-401-615(3) (10/17/02)	<u>Required Monitoring Reports</u> Submit reports of any required monitoring to the NWCAA at least once every six months. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with Permit Term 2.4.1.2.	Directly Enforceable: Unless specifically required otherwise by a permit term, monthly reports shall cover a calendar month, quarterly reports shall cover a calendar quarter, six-month or semiannual reports shall cover January through June and July through December, and annual reports shall cover a calendar year. The initial reporting period shall cover the time from permit issuance until the first month, quarter, six-month period, or year following permit issuance. Reports shall be submitted within 30 days after the close of the period that the reports cover.

Permit Term	Citation	Description	Monitoring, Recordkeeping, and Reporting
4.2 General	NWCAA 342 (9/8/93) NWCAA 342 (7/14/05 State Only)	<p><u>Operation and Maintenance</u></p> <p>Sources are required to keep any process and/or air pollution control equipment in good operating condition and repair. Make operating instructions and maintenance schedules available to operators.</p>	<p>Operating instructions and maintenance schedules for process and/or control equipment must be available on site.</p> <p>Directly Enforceable: Monitor, keep records, and report in accordance with the terms of this permit.</p>
4.3 Nuisance	NWCAA 530 (3/9/00 State Only)	<p><u>General Nuisance</u></p> <p>No person shall discharge from any source quantities of air contaminants, with the exception of odors, in sufficient amounts and of such characteristics and duration as is likely to be injurious or cause damage to human health, plant or animal life, or property; or which unreasonably interferes with enjoyment of life and property.</p> <p>An air contaminant is defined as “dust, fumes, mist, smoke, other particulate matter, vapor gas, odorous substance, or any combination thereof.</p>	<p>Directly Enforceable:</p> <p>Within one hour of receiving an air contaminant complaint from the NWCAA or the public, all possible sources of the nuisance emissions at the facility shall be checked for proper operation. Problems identified shall be repaired or corrected as soon as practicable. If the problems identified cannot be repaired or corrected within four hours, action shall be taken to minimize emissions until repairs can be made and the NWCAA shall be notified within 12 hours with a description of the complaint and action being taken to resolve the problem.</p> <p>The results of the investigation, identification of any malfunctioning equipment or aberrant operation, and the date and time of repair or mitigation shall be recorded. A log of these records shall be maintained for inspection.</p>
4.4 Nuisance	WAC 173-400-040(5) (9/20/93); WAC 173-400-040(6) (7/1/16 State Only)	<p><u>Emission Detrimental to Persons or Property</u></p> <p>No person shall cause or allow the emission of any air contaminant from any source if it is detrimental to the health, safety, or welfare of any person, or causes damage to property or business.</p>	<p>Receipt of a nuisance complaint in itself shall not necessarily be a violation.</p>

Permit Term	Citation	Description	Monitoring, Recordkeeping, and Reporting
4.5 Odor	NWCAA 535 (3/9/00 State Only)	<p><u>Odor Control Measures</u></p> <p>Appropriate practices and control equipment shall be installed and operated to reduce odor-bearing gases emitted into the atmosphere to a reasonable minimum.</p> <p>Any person who shall cause the generation of any odor from any source which may reasonably interfere with any other owner's use and enjoyment of their property must use recognized best practices and control equipment to reduce these odors to a reasonable minimum.</p> <p>No person shall cause or permit the emission of odorous air contaminants from any source if it is detrimental to the health, safety or welfare of any person, or causes damage to property or business.</p>	<p>Directly Enforceable:</p> <p>Follow MR&amp;R under AOP Term 4.3</p>
4.6 Odor	WAC 173-400-040(5) (7/1/16 State Only)	<p><u>Odors</u></p> <p>The source may not generate odors which may unreasonably interfere with property use and must use recognized good practices and procedures to reduce odors to a reasonable minimum.</p>	

Permit Term	Citation	Description	Monitoring, Recordkeeping, and Reporting
4.7 Fugitives	NWCAA 550 (4/14/93)	<p><u>Preventing Particulate Matter from Becoming Airborne</u></p> <p>Install and operate Best Available Control Technology (BACT) to prevent the release of fugitive particulate matter emissions. Offsite deposition of particulate matter is prohibited.</p>	<p>Directly Enforceable:                      Follow MR&amp;R under AOP Term 4.3</p>
4.8 Fugitives	NWCAA 550 (9/11/14 State Only)	<p><u>Preventing Particulate Matter from Becoming Airborne</u></p> <p>Install and operate Reasonably Available Control Technology (RACT) to prevent the release of fugitive particulate matter emissions. Offsite deposition of particulate matter is prohibited.</p>	
4.9 Fugitives	WAC 173-400-040(3) (7/1/16 State Only)	<p><u>Fallout</u></p> <p>Source may not generate the emission of particulate matter to be deposited beyond the property line in sufficient quantity to interfere unreasonably with the use and enjoyment of the property upon which the material is deposited.</p>	
4.10 Fugitives	WAC 173-400-040 (3)(a) (9/20/93); WAC 173-400-040(4)(a) (7/1/16 State Only)	<p><u>Fugitive Emissions</u></p> <p>Sources engaged in materials handling, construction, demolition, or other such activities shall take reasonable precautions to prevent the release of fugitive emissions.</p>	
4.11 Fugitives	WAC 173-400-040(8)(a) (9/20/93); WAC 173-400-040(9)(a) (7/1/16 State Only)	<p><u>Fugitive Dust</u></p> <p>Source shall take reasonable precautions to prevent the release of fugitive dust emissions.</p>	

Permit Term	Citation	Description	Monitoring, Recordkeeping, and Reporting
4.12 Opacity	NWCAA 451.1 (10/13/94); (11/8/07 State Only) WAC 173-400-040(1) (9/20/93); WAC 173-400-040(2) (7/1/16 State Only)	<u>Emission of Air Contaminant - Visual Standard</u> Opacity shall not exceed 20% for any period aggregating more than 3 minutes in any sixty-minute period.	Directly Enforceable: Inspect particulate emission points monthly while operating for visible emissions by visual observation. If, at any time, visible emissions (VE) are observed, take at least one of the following actions within 24 hours of observation: <ul style="list-style-type: none"> <li>• Take corrective action that returns opacity to non-visible level as soon as practicable,</li> <li>• A certified VE reader shall determine the opacity according to EPA Method 9A and daily thereafter until opacity is shown to be less than applicable limits, or</li> <li>• Shut the unit down until corrective actions can be taken.</li> </ul> If a certified VE reader is not available to read opacity within 24 hours of observed emissions, it shall be assumed that the VE exceeds all applicable opacity standards.
4.13 PM	WAC 173-400-060 (3/22/91); (7/1/16 State Only)	<u>Emission Standard for General Process Units</u> Particulate emissions greater than 0.1 grains/dscf prohibited.	Record each visual observation performed, date and time of observation, background conditions, and name of observer. For stacks with VE, record any related equipment or operational failure, failure dates and times, duration of VE, and actions taken. Keep records of all observations available at the facility for inspection.
4.14 PM	NWCAA 455.11 (4/14/93); (5/11/95 State Only)	<u>Emission of Particulate Matter</u> Emissions shall not exceed 0.10 grains/dscf corrected to 7% oxygen except gaseous and distillate fuel burning sources (not including internal combustion engines) shall not exceed 0.05 grains/dscf corrected to 7% oxygen.	The periodic observation frequency may be reduced from monthly to quarterly if no visible emissions are observed for six consecutive months. If visible emissions are detected during any quarterly inspection, inspection frequency shall revert back to monthly.
4.15 PM	WAC 173-400-050(1) and (3) (3/22/91); (7/1/16 State Only)	<u>Emission Standard for Combustion and Incineration Units</u> Emissions from combustion sources shall not exceed 0.1 grains/dscf corrected to 7% oxygen.	

Permit Term	Citation	Description	Monitoring, Recordkeeping, and Reporting
4.16 SO <sub>2</sub>	NWCAA 460 (8/9/78); (7/14/05) State Only	<u>Weight/Heat Rate Standard - Emission of Sulfur Compounds</u> SO <sub>2</sub> emissions limited to 1.5 lb/million Btu heat input per hour.	Directly Enforceable: Records of natural gas usage shall be made available for inspection upon request.
4.17 SO <sub>2</sub>	NWCAA 462 (4/14/92); (3/13/97) State Only	<u>Emission of Sulfur Compounds</u> SO <sub>2</sub> emissions limited to 1,000 ppm <sub>dv</sub> corrected to 7% oxygen, 60 consecutive minute average.	
4.18 SO <sub>2</sub>	WAC 173-400-040(6) (9/20/93) The second paragraph of this citation is State Only; WAC 173-400-040(7) (7/1/16 State Only)	<u>Sulfur Dioxide</u> SO <sub>2</sub> emission concentration limited to 1,000 ppm <sub>dv</sub> corrected to 7% oxygen based on an hourly average.	
4.19 SO <sub>2</sub>	NWCAA 520 (4/14/93) Same as State Only (5/9/96)	<u>Sulfur Content of Fuels Burned</u> Shall not exceed: #1 distillate - 0.3% #2 distillate - 0.5% Other distillate or solid fuels - 2.0% Gaseous fuels - 412 ppm @ STP (760 mmHg & 68 °F)	

## SECTION 5 SPECIFIC REQUIREMENTS FOR EMISSION UNITS

The cited requirements in the “Citation” column of the tables in this section, incorporated herein by reference, are applicable to the emission units identified in the corresponding table header. These requirements are federally enforceable unless identified as “State Only”. A requirement designated “State Only” is enforceable only by the state or the NWCAA, and not by the EPA or through citizen suits. The “Description” column is a brief description of the applicable requirements for informational purposes only and is not enforceable. Periodic or continuous monitoring requirements (including testing) are specified in the “Monitoring, Recordkeeping, and Reporting” column, which identifies monitoring, recordkeeping and reporting (MR&R) obligations the source must perform as required by WAC 173-401-605(1) and 615(1) and (2) or the underlying requirement.

The requirements in the MR&R column listed below the designation “Directly Enforceable” are legally enforceable requirements added under the NWCAA’s “gap-filling” authority [WAC 173-401-615(1)(b) & (c) (10/17/02)]. Other requirements not labeled “directly enforceable” are brief descriptions of the regulatory requirements for informational purposes and are not enforceable, unless they are identical to the cited requirement. Unless the text of the MR&R column is specifically identified to be directly enforceable, the language of the cited regulation takes precedence over a paraphrased requirement.

**Table 5-1 Specifically Applicable Requirements – MAAX US Corp. EU-1, EU-2, and EU-3**

Permit Term	Citation	Description	Monitoring/Recordkeeping/Reporting
5.1 HAPs	40 CFR 63.5797 (4/21/03), 40 CFR 63.5915(c) (8/25/05), 40 CFR 63.5920 (4/21/03), NWCAA 104.2 (8/11/16)	<u>Determining HAP content of resins:</u> Use MSDS provided by the manufacturer to establish the organic HAP content of resins. Carcinogens must be added at the 0.1% by mass level, and other organic HAP compounds must be added at the 1% by mass level. If HAP content is provided as a range, the upper end of the range must be used.	Keep records of all data, assumptions, and calculations performed to determine the organic HAP content of resins used.

Permit Term	Citation	Description	Monitoring/Recordkeeping/Reporting
5.2 HAPs	40 CFR 63.5805(b) (8/25/05), 40 CFR 63.5810(a) (8/25/05), 40 CFR 63.5835(a) (4/20/06), 40 CFR 63.5895(d) (8/25/05), 40 CFR 63.5900(a)(2) (4/20/06), 40 CFR 63.5900(b)-(c) (4/20/06), 40 CFR 63.5910(a)-(d) (8/25/05), 40 CFR 63.5915(a) (8/25/05), 40 CFR 63.5915(c) (8/25/05), 40 CFR 63.5920 (4/21/03), 40 CFR 63.5796 (4/21/03) Tables 1(1) (8/26/05), Table 3(2)-(3) (8/25/05), and Table 14 (4/21/2003) to Subpart WWWW of Part 63 NWCAA 104.2 (8/11/16)	<p><u>Compliance with Emissions Standards:</u></p> <p>Calculate the actual organic HAP emission factor (EF) for each process stream within each operation type.</p> <p>For non-atomized mechanical application of non-vapor suppressed production resin with an organic HAP content of greater than or equal to 33% use  <math>EF = ((0.157 \times \%HAP) - 0.0165) \times 2000</math></p> <p>For atomized application of non-vapor suppressed tooling resin with an organic HAP content of less than 33% use  <math>EF = 0.169 \times \%HAP \times 2000</math></p> <p>For atomized application of non-vapor suppressed tooling resin with an organic HAP content of greater than or equal to 33% use  <math>EF = ((0.714 \times \%HAP) - 0.18) \times 2000</math></p> <p>Compare the EF for each process stream/operation type to the emission limit. For open molding other than tooling using mechanical application of neat production resin the emission limit is 88 lb/ton. For open molding – tooling using mechanical application, the emission limit is 254 lb/ton.</p>	<p>Keep records of all data, assumptions, and calculations performed to determine the organic HAP emission factors and submit semi-annual compliance reports containing information as outlined in 40 CFR §63.5910.</p> <p>Calculate your emission factors, which must be at or below the respective emission limits of Table 3, on a 12-month rolling average. The necessary calculations must be completed within 30 days after the end of each month.</p> <p>Submit a statement with the semi-annual compliance report that individual resins as applied meet the appropriate organic HAP emission limits.</p> <p>Include each deviation from the requirements of emission standards with the semi-annual compliance report. If there are no deviations of emission standards, state that there were no deviations from the organic HAP emissions limitations or work practice standards during the reporting period.</p>

Permit Term	Citation	Description	Monitoring/Recordkeeping/Reporting
5.3 HAPs	40 CFR 63.5805(b) (8/25/05), 40 CFR 63.5835(a) (4/20/06), 40 CFR 63.5900(a)(4) (4/20/06), 40 CFR 63.5900(b)-(c) (4/20/06), 40 CFR 63.5910(a)-(d) (8/25/05), 40 CFR 63.5915(a) (8/25/05), 40 CFR 63.5915(d) (8/25/05), 40 CFR 63.5920 (4/21/03), Table 4(2),(3),(6)-(8) to Subpart WWW of Part 63 (8/25/05), NWCAA 104.2 (8/11/16)	Work Practice Standards: The source must be in compliance at all times with the following work practice standards: (a) cleaning solvents may contain no HAP except that organic HAP containing cleaners may be used to clean cured resin from application equipment. (b) vessels with HAP-containing material must be covered at all times except when material is being added or removed from them. (c) mixing equipment must have covers with no visible gaps except around shafts or instrumentation, when 1 inch gaps are permissible. Vents must be closed during mixing, except when material is added. Covers must be on at all times except when material is added in the mixer.	Submit a certified statement in the semi-annual compliance reports that the source is in compliance with applicable work practice standards.  Include each deviation from the requirements of work practice standards with the semi-annual compliance report. If there are no deviations of emission standards, state that there were no deviations from the organic HAP emissions limitations or work practice standards during the reporting period.

## SECTION 6 INAPPLICABLE REQUIREMENTS

The regulations identified in Table 6-1 do not apply to the MAAX US Corp. Bellingham Facility as of the date of permit issuance. The basis for this determination is listed in Table 6-1.

**Table 6-1 Inapplicable Requirements**

Citation	Title	Basis
WAC 173-400-070	Emission Standards for Certain Source Categories.	No sources affected by this rule are present at the MAAX US Corp. Bellingham Facility.
WAC 173-400-100	Source Classifications (registration)	Operating Permit sources are exempt from the requirement to register.
WAC 173-433	Solid Fuel Burning Devices.	No sources affected by this rule are present at the MAAX US Corp. Bellingham Facility.
WAC 173-434	Solid Waste Incinerator Facilities.	No sources affected by this rule are present at the MAAX US Corp. Bellingham Facility.
WAC 173-491	Controls for Sources Emitting Gasoline Vapors.	No sources affected by this rule are present at the MAAX US Corp. Bellingham Facility.
40 CFR 68	Accidental Release Prevention	There are no process substances in excess of the thresholds defined in 40 CFR Part 68 Subpart F and is therefore not an affected facility with respect to 40 CFR Part 68.
40 CFR 72	Permits (Title IV, Acid Rain).	No sources affected by these rules are present at the MAAX US Corp. Bellingham Facility.
40 CFR 73	Sulfur Dioxide Allowance System.	No sources affected by these rules are present at the MAAX US Corp. Bellingham Facility.
NWCAA 320	Registration Program	Operating Permit sources are exempt from the requirement to register.
NWCAA 324.1	Annual Registration Fees	Operating Permit sources are exempt from the requirement to pay registration fees.
NWCAA 458	Incinerators - Wood Waste Burners	No sources affected by these rules are present at the MAAX US Corp. Bellingham Facility.
NWCAA 460	Weight/Heat Rate Standard	The total potential heat input capacity is not greater than 500 mmBtu/hr.
NWCAA 480	Solid Fuel Burning Device Standards	No sources affected by these rules are present at the MAAX US Corp. Bellingham Facility.
NWCAA 504	Outdoor Fires - Grass Seed Fields	MAAX US Corp. does not maintain grass seed fields at the facility.
NWCAA 510	Incinerator Burning	No source affected by this rule is present at the MAAX US Corp. Bellingham Facility.
NWCAA 511	Refuse Burning Equipment	No sources affected by these rules are present at the MAAX US Corp. Bellingham Facility.
NWCAA 560	Storage of Organic Liquid	No sources affected by these rules are present at the MAAX US Corp. Bellingham Facility. The vapor pressure of the liquids stored in tankage is less than 1.5 psi.
NWCAA 580	Volatile Organic Liquid Control	No sources affected by these rules are present at the MAAX US Corp. Bellingham Facility.

DRAFT