

Air Operating Permit *- DRAFT -*

Chemtrade Solutions LLC

Anacortes, Washington

February 11, 2021



Serving Island, Skagit & Whatcom Counties

PERMIT INFORMATION

Chemtrade Solutions LLC, Anacortes Works 8579 North Texas Road, Anacortes, Washington

SIC: 2819

NAICS: 325188

EPA AFS: 53-057-00002

NWCAA ID: 1010

Responsible Official

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Air Operating Permit Number: 009R2

Issued: February 11, 2021 (DRAFT)

Expires: Month XX, 2026

Renewal Application Due: Month XX, 2025

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 (WAC).

Pursuant to Section 322 of the Regulation of the Northwest Clean Air Agency and chapter 173-401 WAC, Chemtrade Solutions LLC is authorized to operate the Anacortes Works subject to the terms and conditions of this permit.

Northwest Clean Air Agency Approval:

Date:

M.J. "Lyn" Tober, P.E.
Chemical Engineer

Date:

Agata McIntyre, P.E.
Engineering Manager

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SECTION 1 EMISSION UNIT IDENTIFICATION

The tables below list emission units and activities that are located at the Chemtrade Solutions LLC facility located at 8579 North Texas Road, Anacortes, Washington hereinafter referred to as Chemtrade, the facility, or the permittee. The information presented in AOP Section 1 is for informational purposes only.

1.1 Sulfuric Acid Plant

Process Area and Emission Point Description	Constructed/ Modified	Comments
Sulfuric Acid Plant Units (SPUs) 1, 2 and 3 with Abatement Units 10 and 11 venting to a common stack	Unit 1: 1957 Unit 2: 1964 Unit 3: Construction startup 1973, completion in 1975 Unit 3 modified in 1993	Combined design production capacity of 566 tons of sulfuric acid per day (OAC 458d, PSD 94-01 Amendment 1, NWCAA Section 465, 40 CFR 60 Subpart H)
SPU3 Startup Heater	2004	9.2 MMBtu/hr, natural gas fired (OAC 880c)
Abatement Unit 10 and 11 Process Heaters	1971	2 @ 5.75 MMBtu/hr each, John Zink, natural gas fired
Sulfuric Acid Product Tanks	TK-6302: 1958 TK-6403: 1981 TK-6404: 1964 TK-6305: 1958 TK-6306: 1995 TK-6307: 1978	TK-6302: 66,835 gallons TK-6403: 9,923 gallons TK-6404: 13,333 gallons TK-6305: 66,835 gallons TK-6306: 158,758 gallons TK-6307: 66,835 gallons
Spent Acid Storage Tanks	TK-6108: 1980 TK-6109: 1980	158,000 gallons each
Swing Acid Tanks (Storing product or spent)	TK-6301: 1958 TK-6110: 1995	TK-6301: 66,835 gallons TK-6110: 158,700 gallons

1.2 Sulfur Recovery Unit (SRU)

Process Area and Emission Point Description	Construction / Modification Year	Comments
Sulfur Recovery Unit (SRU) with Shell Claus Off-gas Treating (SCOT) unit and incinerator stack and emergency flare with bypass	1986 / 1998	The SRU maximum production capacity is 50.6 tons of molten sulfur per day (OAC 650d, 40 CFR 60 Subpart J, 40 CFR 63 Subpart UUU)
Components in VOC Service	1986 / 1998	(40 CFR 60 Subpart GGG)
SRU Auxiliary Boiler (B-501)	1986	3.348 MMBtu/hr, natural gas fired (40 CFR 63 Subpart DDDDD)

1.3 Gasoline Dispensing Facility (GDF)

Process Area and Emission Point Description	Construction / Modification Year	Comments
Gasoline Dispensing Facility (GDF)	Pre 1990	300 gallon above-ground fixed-roof gasoline storage tank (NWCAA 580.6, ch 173-491 WAC, 40 CFR 63 Subpart CCCCCC)

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

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. Some requirements from the regulations have been paraphrased for brevity.

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. "State only" WAC citations are enforceable by the NWCAA because they are adopted by reference in NWCAA 104.1 as amended April 11, 2019.

The requirements listed below the "Directly Enforceable" label are legally enforceable requirements added under NWCAA's gap-filling authority (WAC 173-401-615(1)(b) & (c) (10/17/02)). 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.

The provisions of federally-approved NWCAA 365, 366, and the "Guidelines for Industrial Monitoring Equipment and Data Handling" have been replaced in this section by NWCAA 367 and Appendix A - "Ambient Monitoring, Emission Testing, and Continuous Emission and Opacity Monitoring". NWCAA 367 and Appendix A were adopted on July 14, 2005 and are "State Only" until incorporated into the State Implementation Plan.

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) and 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

2.1.6.1 WAC 173-400-105(3) (9/20/93), WAC 173-401-630(2) (3/5/16), NWCAA 110 & 111 (1/8/69)
State Only: WAC 173-400-105(3) (11/25/18)

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.

2.1.6.2 PSD 94-01 Amendment 1 Condition 8 (1/14/98) – Sulfuric Acid Plant

Access to the facility by the USEPA, state or local regulatory personnel shall be permitted upon request for the purpose of compliance assurance inspections. Failure to allow access is grounds for enforcement under federal and state law.

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) (11/25/18)

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 January 24, 2018) 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 AOP Term 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.

2.1.8.4 PSD 94-01 Amendment 1 Condition 3 (1/14/98) – Sulfuric Acid Plant

Sampling ports and platforms must be provided on the common stack. The ports must meet the requirements of Reference Method 1 of 40 CFR Part 60 Appendix A. Other arrangements may be acceptable if approved prior to installation. Adequate permanent and safe access to the test ports must be provided.

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), 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), WAC 173-401-724 (3/5/16)

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), 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 (4/11/19)

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) & (4) (3/5/16), WAC 173-401-510(2)(h)(iii) (3/5/16)

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.

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) (9/16/18)

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) (3/5/16)

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, Mail Stop: OCE-101
Attn: Part 70 Operating Permit Program
1200 Sixth Avenue, Suite 155
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(3)(a) (10/17/02) and -630(1) (3/5/16)

All required monitoring reports must be certified by a responsible official consistent with WAC 173-401-520.

Directly Enforceable:

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.

The semiannual certifications shall cover the calendar months of January through June, and July through December, and are due within 30 days after the close of the period that the reports cover.

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

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.

Directly Enforceable:

Monitoring and associated recordkeeping are 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 a 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), 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:

- The nature of the enterprise;
- 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;
- An estimated annual total production of wastes discharged into the air in units and contaminants designated by the NWCAA that may include stack and fugitive emissions of particulate matter, PM₁₀, sulfur dioxide, carbon monoxide, total reduced sulfur compounds (TRS), fluorides, lead, VOCs, and other contaminants.

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) (11/25/18)

In addition to the requirements of AOP Term 2.4.4.1, the permittee shall report PM_{2.5}, oxides of nitrogen, 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 CO₂e 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 CFR 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 (3/1/15)

All requests, notifications, and communications to Ecology pursuant to this chapter shall be submitted in a format as specified by Ecology to either of the following:

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

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)

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. The source shall maintain a contemporaneous record of all deviations.

- (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.

Directly Enforceable:

For deviations that represent a potential threat to human health or safety, a follow up written report on the deviation shall be submitted no later than 30 days after the end of the month during which the deviation is discovered.

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:

- The upset or breakdown shall be reported as promptly as possible and in no event later than twelve (12) hours to the NWCAA.
- 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:

- The upset or breakdown shall be reported as promptly as possible and in no event later than twelve (12) hours to the NWCAA.
- 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 NWCAA 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 – 9/16/18)

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

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) (9/16/18)

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) (1/3/89) 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 (4/1/11), 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 (4/7/93), 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 (12/27/17)

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) (11/25/18)

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) (11/25/18)

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 (12/3/18)

This stationary source, as defined in 40 CFR 68.3, is subject to Part 68, the accidental release prevention regulations. This stationary source shall submit a risk management plan (RMP) by the date specified in 40 CFR 68.10. This stationary source 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 Sections 300, 301, 302 & 324.2 (10/13/94), and NWCAA Section 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 (7/1/16), WAC 173-400-113 (12/29/12), WAC 173-460-010 through -150 (6/20/09), NWCAA 300.1-300.14 (4/11/19), 303 (4/11/19), 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 300.3 or 300.4 shall be allowed to operate at a temporary location without filing a NWCAA Notice of Construction application provided that the temporary source meets the applicable requirements of NWCAA 300.17, including notification.

2.8.2 Nonroad Engines

State Only: NWCAA Section 304 (4/11/19)

This section applies to nonroad engines, as defined in NWCAA Section 200. Nonroad engines are not subject to new source review, control technology determinations, or emission limits set by the state implementation plan, or chapter 173-460 WAC.

Nonroad engines must use ultra-low sulfur diesel or ultra-low sulfur bio-diesel, gasoline, natural gas, propane, liquefied petroleum gas, hydrogen, ethanol, methanol, or liquefied/compressed natural gas.

For each nonroad engine as specified in this section greater than 500 brake horsepower (bhp), the owner or operator must notify NWCAA within 15 calendar days prior to surpassing the engine remaining at a facility for 12 consecutive months. This notification must include the make, model, serial number, rating, fuel type, date the engine was brought to the facility, and engine function or purpose.

2.8.3 General Order

State Only: WAC 173-400-560 (12/29/12) and NWCAA 121.4 (3/14/13)

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.

2.8.4 Requirements to Comply

State Only: NWCAA 300.13 (4/11/19)

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.

2.8.5 Prevention of Significant Deterioration (PSD)

State Only: WAC 173-400-117 (12/29/12), -700 (4/1/11), -710 (7/1/16), -720 (7/1/16), -730 (7/1/16), -740 (9/16/18), -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).

2.8.6 Replacement or Substantial Alteration of Control Technology at an Existing Source

State Only: NWCAA 300.25 (4/11/19)

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

State Only: WAC 173-401-200(19) & (35) (3/5/16)

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 under this chapter unless, as of January 2, 2011, the GHG emissions are at a stationary source emitting or having the potential to emit 100,000 tpy CO₂ equivalent emissions and the source is otherwise required to have an operating permit.

The term "tpy (tons per year) CO₂ equivalent emissions" (CO₂e) 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 CO₂e.

"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.

2.10 Greenhouse Gas Mitigation

State Only: WAC 173-442-210, 173-442-220, 173-442-250 (10/16/16)

The Clean Air Rule (CAR) establishes greenhouse gas (GHG) emission reduction pathways for covered parties in Washington. CAR applicability is based on a GHG emissions for a three calendar year rolling average, beginning with calendar year 2012. Covered parties with GHG emissions greater than or equal to compliance thresholds in Table 1 of WAC 173-442-030 are subject to the CAR.

Each covered party must submit a compliance report in a format prescribed by Ecology. The compliance report must include the verification requirements in chapter 173-220 WAC. The report must be submitted by the deadline in WAC 173-442-250.

A covered party may discontinue submitted a compliance report for the purposes of chapter 173-442 WAC after 3 consecutive years of reporting covered GHG emissions less than 50,000 MT CO₂e/yr and the covered party notifies ecology of its intent to discontinue the report by the compliance report deadline in WAC 173-442-250. Covered parties must continue to submit annual GHG reports required by chapter 173-441 WAC. A covered party must resume submitting a compliance report when total covered GHG emissions exceed 50,000 MT CO₂e/year.

SECTION 3 STANDARD TERMS AND CONDITIONS FOR NSPS AND NESHAP

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. Some requirements from the regulations have been paraphrased for brevity; the language of the cited regulation takes precedence over a paraphrased requirement.

The affected facilities, affected sources, and stationary sources subject to these requirements are identified in AOP Section 5. 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.

All of the federal regulations listed in AOP Section 3 have been adopted by reference in Section 104.2 of the NWCAA Regulation. NWCAA 104.2 was last amended by the agency on April 11, 2019.

3.1 Part 60 – New Source Performance Standard Requirements

3.1.1 Address for Reports, Notifications, and Submittals

40 CFR 60.4(a) and (b) (4/25/75) (as amended by Delegation Letter dated 9/28/17 from Tim Hamlin, Director of the Office of Air and Waste, EPA Region 10 to Mark Buford, Director of NWCAA)

Notifications, reports, and applications for delegated New Source Performance Standards (NSPS) shall be sent to the NWCAA at the following address:

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

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

U.S. EPA Region 10, Mail Stop: OCE-101
1200 Sixth Avenue, Suite 155
Seattle, WA 98101-3140

3.1.2 Notification

40 CFR 60.7(a) (2/12/99) (as amended by Delegation Letter dated 9/28/17 from Tim Hamlin, Director of the Office of Air and Waste, EPA Region 10 to Mark Buford, Director of NWCAA)

Furnish written notification to the Administrator of the following:

- (i) The date construction (or reconstruction as defined by 40 CFR 60.15) of an affected facility commenced postmarked no later than 30 days after such date.
- (ii) Notification of the actual date of initial startup of an affected facility postmarked within 15 days after such date.
- (iii) Notification of any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies, unless that change is specifically exempted under an applicable subpart or in 40 CFR 60.14(e). This notice shall be postmarked 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capacity of the facility before and after the change, and the expected completion date of the change.
- (iv) Notification of the date upon which demonstration of the continuous monitoring system performance commences in accordance with 40 CFR 60.13(c). Notification shall be postmarked not less than 30 days prior to such date.
- (v) Notification of the anticipated date for conducting the opacity observations required by 40 CFR 60.11(e)(1) of this part. The notification shall be postmarked not less than 30 days prior to such date.
- (vi) Notification that continuous opacity monitoring system data results will be used to determine compliance with the applicable opacity standard during a performance test required by 60.8 in lieu of Method 9 observation data as allowed by 40 CFR 60.11(e)(5) of this part. This notification shall be postmarked not less than 30 days prior to the date of the performance test.

3.1.3 Startup, Shutdown, and Malfunction Records

3.1.3.1 40 CFR 60.7(b) (2/12/99)

Maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative.

3.1.3.2 40 CFR 60.8(c) (8/30/2016)

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 applicable emission limit during periods of startup, shutdown, and malfunction be considered a violation of the applicable emission limit unless otherwise specified in the applicable standard.

3.1.4 Excess Emission Records

40 CFR 60.7(c) and (d) (2/12/99) (as amended by Delegation Letter dated 9/28/17 from Tim Hamlin, Director of the Office of Air and Waste, EPA Region 10 to Mark Buford, Director of NWCAA)

Each owner or operator required to install a continuous monitoring device shall submit excess emissions and monitoring systems performance report (as defined in applicable subparts) and/or summary report form (see 60.7(d)) to the Administrator semiannually, except when: more frequent

reporting is specifically required in any subpart; or the Administrator determines that more frequent reporting is necessary. All reports shall be postmarked by the 30th day following the end of each six-month period. Written reports of excess emissions shall include the information in 40 CFR 60.7(c)(1) through (4).

3.1.5 Maintenance of Records

40 CFR 60.7(f) (2/12/99)

Maintain a file of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by this part recorded in a permanent form suitable for inspection. The file shall be retained for at least two years following the date of such measurements, maintenance, reports, and records, except as described in 60.7(f)(1) through (3).

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.

3.1.6 Performance Tests

40 CFR 60.8(a), (d), (e), and (f) (8/30/16)

Within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of such facility, or at such other times specified by this part, and at such other times as may be required by the Administrator under section 114 of the Act, the owner or operator of such facility shall conduct performance test(s) and furnish the Administrator a written report of the results of such performance test(s), except as specified in paragraphs (a)(1),(a)(2), (a)(3), and (a)(4) of this section.

The owner or operator of an affected facility shall provide the Administrator at least 30 days prior notice of any performance test, except as specified under other subparts, to afford the Administrator the opportunity to have an observer present. If after 30 days notice for an initially scheduled performance test, there is a delay (due to operational problems, etc.) in conducting the scheduled performance test, the owner or operator of an affected facility shall notify the Administrator as soon as possible of any delay in the original test date, either by providing at least 7 days prior notice of the rescheduled date of the performance test, or by arranging a rescheduled date with the Administrator by mutual agreement.

The owner or operator of an affected facility shall provide performance testing facilities as follows:

- (1) Sampling ports adequate for test methods applicable to such facility.
- (2) Safe sampling platform(s).
- (3) Safe access to sampling platform(s).
- (4) Utilities for sampling and testing equipment.

Unless otherwise specified in the applicable subpart, each performance test shall consist of three separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in the applicable standard. For the purpose of determining compliance with an applicable standard, the arithmetic means of results of the three runs shall apply.

Unless otherwise specified in a relevant standard or test method, or as otherwise approved by the Administrator in writing, the report for a performance test shall include:

- (1) Facility mailing address, physical address, owner or operator or responsible official (where applicable) and his/her email address, and the appropriate Federal Registry System (FRS) number for the facility.
- (2) Applicable regulation(s) requiring the test, the pollutant(s) and other parameters being measured, the applicable emission standard and any process parameter component, and a brief process description.
- (3) Description of the emission unit tested including fuel burned, control devices, and vent characteristics; the appropriate source classification code (SCC); the permitted maximum process rate (where applicable); and the sampling location.
- (4) Description of sampling and analysis procedures used and any modifications to standard procedures, quality assurance procedures and results, record of process operating conditions that demonstrate the applicable test conditions are met, and values for any operating parameters for which limits were being set during the test.
- (5) Where a test method requires you record or report, the following shall be included: Record of preparation of standards, record of calibrations, raw data sheets for field sampling, raw data sheets for field and laboratory analyses, chain-of-custody documentation, and example calculations for reported results.
- (6) Identification of the company conducting the performance test including the primary office address, telephone number, and the contact for this test program including his/her email address.

3.1.7 Test Method Performance Audit

40 CFR 60.8(q) (8/30/16)

Performance testing shall include a test method performance audit (PA) during the performance test, as specified in 40 CFR 60.8(g).

The source owner, operator, or representative of the tested facility shall obtain an audit sample, if commercially available, from an AASP for each test method used for regulatory compliance purposes. See 40 CFR 60.8(g)(1) for a list of test methods excluded from this requirement.

If the source owner, operator, or representative cannot find an audit sample for a specific method, the owner, operator, or representative shall consult the EPA Web site at the following URL, <https://www.epa.gov/emc/emc-technical-support#audit>, to confirm whether there is a source that can supply an audit sample for that method. If the EPA Web site does not list an available audit sample at least 60 days prior to the beginning of the compliance test, the source owner, operator, or representative shall not be required to include an audit sample as part of the quality assurance program for the compliance test.

The source owner, operator, or representative shall report the results for the audit sample along with a summary of the emission test results for the audited pollutant to the compliance authority and shall report the results of the audit sample to the AASP. The source owner, operator, or representative shall make both reports at the same time and in the same manner or shall report to the compliance authority first and then report to the AASP.

3.1.8 Compliance with Opacity Standards

40 CFR 60.11(b) and (c) (10/17/00)

Compliance with opacity standards in 40 CFR Part 60 shall be determined by EPA Method 9 in Appendix A. For purposes of determining initial compliance, the minimum total time of observations shall be 3 hours (30 6-minute averages) for the performance test. The opacity standards set forth in this part shall apply at all times except during periods of startup, shutdown, malfunction, and as otherwise provided in the applicable standard.

3.1.9 Operation and Maintenance

40 CFR 60.11(d) (10/17/00)

At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility, including associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions.

3.1.10 Credible Evidence

40 CFR 60.11(g) (10/17/00)

For the purpose of submitting compliance certifications or establishing whether or not a person has violated or is in violation of any standard in this part, nothing in this part 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.

3.1.11 Circumvention

40 CFR 60.12 (3/8/74)

No owner or operator subject to the provisions of this part shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere.

3.1.12 Monitoring Requirements

40 CFR 60.13 (6/30/16)

All continuous monitoring systems required under applicable subparts shall be subject to the provisions of this section upon promulgation of performance specifications for continuous monitoring systems under appendix B to part 60 and, if the continuous monitoring system is used to demonstrate compliance with emission limits on a continuous basis, appendix F to part 60, unless otherwise specified in an applicable subpart or by the Administrator.

The owner or operator of an affected facility shall conduct a performance evaluation of the continuous emission monitoring system (CEMS) during any performance test required under §60.8 or within 30 days thereafter in accordance with the applicable performance specification in appendix B of this part, or at such other times as may be required by the Administrator under section 114 of the Act. The owner or operator of an affected facility shall furnish the Administrator within 60 days of completion a written report of the results of the performance evaluation.

Owners and operators of a CEMS installed in accordance with the provisions of this part, must check the zero (or low level value between 0 and 20 percent of span value) and span (50 to 100 percent of span value) calibration drifts at least once daily in accordance with a written procedure. The zero and span must, as a minimum, be adjusted whenever either the 24-hour zero drift or the 24-hour span drift exceeds two times the limit of the applicable performance specification in appendix B of this part. The system must allow the amount of the excess zero and span drift to be recorded and quantified whenever specified.

Except for system breakdowns, repairs, calibration checks, and zero and span adjustments required under this section, all continuous monitoring systems for measuring emissions, except opacity, shall be in continuous operation and shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.

Owners or operators of continuous monitoring systems for pollutants other than opacity shall reduce all data to 1-hour averages for time periods as defined in §60.2.

For continuous monitoring systems other than opacity, 1-hour averages shall be computed according to paragraphs (h)(2)(i) through (h)(2)(ix), except that the provisions pertaining to the validation of partial operating hours are only applicable for affected facilities that are required by the applicable subpart to include partial hours in the emission calculations.

3.1.13 Modification

40 CFR 60.14 (10/17/00)

Except as provided under paragraphs (e) and (f) of this section, any physical or operational change to an existing facility which results in an increase in the emission rate to the atmosphere of any pollutant to which a standard applies shall be considered a modification within the meaning of section 111 of the Act. Upon modification, an existing facility shall become an affected facility for each pollutant to which a standard applies and for which there is an increase in the emission rate to the atmosphere.

Within 180 days of the completion of any physical or operational change subject to the control measures specified in paragraph (a) of this section, compliance with all applicable standards must be achieved.

3.2 Part 63 – National Emission Standard for Hazardous Air Pollutant Requirements

3.2.1 Prohibited Activities and Circumvention

40 CFR 63.4 (4/5/02)

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.

3.2.2 Requirements for Existing, Newly Constructed, and Reconstructed 40 CFR Part 63 NESHAPs Sources

40 CFR 63.5(b)(1), (3), (4), (6) (4/5/02)

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.

3.2.3 Operation and Maintenance

3.2.3.1 O&M for Part 63 NESHAP Sources (except for Subpart DDDDD) 40 CFR 63.6(e)(1)(i),(ii), and (iii) (4/20/06)

- (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, 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.

3.2.3.2 O&M for 40 CFR 63 Subpart UUU (Refinery MACT II) Affected Sources
40 CFR 63.1564(a)(3) & (c)(2) (11/26/18); 63.1565(a)(3) & (c)(2)
(11/26/18); 63.1566(a)(5) & (c)(2) (7/13/16); 63.1567(a)(3) & (c)(2)
(2/9/05); 63.1568(a)(3) & (c)(2) (7/13/16); 63.1569(a)(3) & (c)(2)
(11/26/18); 63.1574(f) (11/26/18); and 63.1576(e) (11/26/18)

Prepare and implement an operations, maintenance and monitoring plan (OMMP) for each control system and continuous monitoring system for each affected source and operate at all times according to the procedures in the plan. Demonstrate continuous compliance with this standard by complying and maintaining records to document conformance with the procedures in the OMMP.

Prepare and submit the OMMP to the NWCAA for review and approval along with the notification of compliance status. Submit any changes to the NWCAA for review and approval and comply with the plan until the change is approved.

The plan must include, at a minimum:

- (i) Process and control device parameters to be monitored for each affected source, along with established operating limits.
- (ii) Procedures for monitoring emissions and process and control device operating parameters for each affected source.
- (iii) Monitoring schedule, including when you will monitor and when you will not monitor an affected source (e.g., during the coke burn-off, regeneration process).
- (iv) Quality control plan for each CEMS, including procedures for calibrations, accuracy audits, and adjustments to the systems needed to meet applicable requirements for the system.
- (v) Maintenance schedule for each monitoring system and control device for each affected source that is generally consistent with the manufacturer's instructions for routine and long-term maintenance.

Keep a current copy of the OMMP onsite and available for inspection. Also keep records to show continuous compliance with the procedures in the OMMP.

3.2.3.3 O&M for 40 CFR 63 Subpart DDDDD (Boiler MACT)
40 CFR 63.7500(a)(3) (11/20/15)

At all times, any affected source (as defined in 63.7490), including associated air pollution control equipment and monitoring equipment, shall be operated and maintained in a manner consistent with safety and good air pollution control practices for minimizing emissions. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator that may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

3.2.4 Compliance With Nonopacity Emission Standards

Nonopacity Emission Standards for Part 63 NESHAP Sources (except for
Subpart UUU)
40 CFR 63.6(f)(1) (4/20/06)

The nonopacity emission standards set forth in this part shall apply at all times except during periods of startup, shutdown, and malfunction, and as otherwise specified in an applicable subpart.

3.2.5 Compliance With Opacity and Visible Emission Standards

Opacity and Visible Emission Standards for Part 63 NESHAP Sources (except for Subpart UUU)
40 CFR 63.6(h)(1) (4/20/06)

The opacity and visible emission standards set forth in this part shall apply at all times except during periods of startup, shutdown, and malfunction, and as otherwise specified in an applicable subpart.

3.2.6 Extension of Compliance for Early Reductions and Other Reductions

40 CFR 63.6(i) (4/20/06) and 63.9(c) (5/30/03)

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).

3.2.7 Notification of Performance Tests

3.2.7.1 Notification of Performance Tests for Part 63 NESHAP Sources
40 CFR 63.7(b) (11/14/18) and 63.9(e) (5/30/03)

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.

3.2.7.2 Notification of Performance Tests for 40 CFR 63 Subpart UUU (Refinery MACT II) Affected Sources
40 CFR 63.1574(a)(2) (11/26/18)

The requirements for notification of performance tests for Subpart UUU affected sources are the same as noted in AOP Term 3.2.7.1 with the following clarifications, exceptions, or differences:

The notification of intent to conduct a performance test required in 63.7(b) must be submitted at least 30 days before the performance test is scheduled to begin (instead of 60 days).

3.2.8 Conduct of Performance Tests

3.2.8.1 Conduct of Performance Tests for Part 63 NESHAP Sources
40 CFR 63.7 (11/14/18), 63.9(e) (5/30/03)

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.

The owner or operator of an affected facility shall provide performance testing facilities as follows:

- (1) Sampling ports adequate for test methods applicable to such facility.
- (2) Safe sampling platform(s).
- (3) Safe access to sampling platform(s).
- (4) Utilities for sampling and testing equipment.

Unless otherwise specified in the applicable subpart, each performance test shall consist of three separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in the applicable standard. For the purpose of determining compliance with an applicable standard, the arithmetic means of results of the three runs shall apply.

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.

Performance testing shall include a test method performance audit (PA) during the performance test as specified in 40 CFR 63.7(c)(2)(iii).

The source owner, operator, or representative of the tested facility shall obtain an audit sample, if commercially available, from an AASP for each test method used for regulatory compliance purposes. See 40 CFR 63.7(c)(2)(iii)(A) for a list of test methods excluded from this requirement.

If the source owner, operator, or representative cannot find an audit sample for a specific method, the owner, operator, or representative shall consult the EPA Web site at the following URL, <https://www.epa.gov/emc/emc-technical-support#audit>, to confirm whether there is a source that can supply an audit sample for that method.

The source owner, operator, or representative shall report the results for the audit sample along with a summary of the emission test results for the audited pollutant to the compliance authority and shall report the results of the audit sample to the AASP. The test protocol and final test report shall document whether an audit sample was ordered and utilized and the pass/fail results as applicable.

3.2.8.2 Conduct of Performance Tests for 40 CFR 63 Subpart UUU (Refinery MACT II) Affected Sources
40 CFR 63.1571(b)(1) (11/14/18)

The requirements for conduct of performance tests for Subpart UUU affected sources are the same as noted in AOP Term 3.2.8.1 with the following clarifications, exceptions, or differences:

Performance tests shall be conducted according to the provisions of 63.7(e) except that performance tests shall be conducted at maximum representative operating capacity for the process. During the performance test, you must operate the control device at either maximum or minimum representative operating conditions for monitored control device parameters, whichever results in lower emission reduction. You must not conduct a performance test during startup, shutdown, periods when the control device is bypassed or periods when the process, monitoring equipment or control device is not operating properly. You may not conduct performance tests during periods of malfunction. You must record the process information that is necessary to document operating conditions during the test and include in such record an explanation to support that the test was conducted at maximum representative operating capacity. Upon request, you must make available to the Administrator such records as may be necessary to determine the conditions of performance tests.

3.2.9 Operation and Maintenance of Continuous Monitoring Systems (CMS)

*O&M of CMS for Part 63 NESHAP Sources
40 CFR 63.8(c)(1), (2), (3), (4), and (6) (11/14/18)*

The owner or operator of an affected source shall maintain and operate each CMS as specified in this section, or in a relevant standard, and in a manner consistent with good air pollution control practices.

- (i) The owner or operator of an affected source must maintain and operate each CMS as specified in 63.6(e)(1).
- (ii) The owner or operator must keep the necessary parts for routine repairs of the affected CMS equipment readily available.

All CMS must:

- (i) Be installed such that representative measures of emissions or process parameters from the affected source are obtained. In addition, CEMS must be located according to procedures contained in the applicable performance specification(s).
- (ii) Unless the individual subpart states otherwise, the owner or operator must ensure the read out (that portion of the CMS that provides a visual display or record), or other indication of operation, from any CMS required for compliance with the emission standard is readily accessible on site for operational control or inspection by the operator of the equipment.

All CMS shall be installed, operational, and the data verified as specified in the relevant standard either prior to or in conjunction with conducting performance tests under §63.7. Verification of operational status shall, at a minimum, include completion of the manufacturer's written specifications or recommendations for installation, operation, and calibration of the system.

Except for system breakdowns, out-of-control periods, repairs, maintenance periods, calibration checks, and zero (low-level) and high-level calibration drift adjustments, all CMS, including COMS and CEMS, shall be in continuous operation and shall meet minimum frequency of operation requirements as follows:

- (i) All COMS shall complete a minimum of one cycle of sampling and analyzing for each successive 10-second period and one cycle of data recording for each successive 6-minute period.
- (ii) All CEMS for measuring emissions other than opacity shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.

The owner or operator of a CMS which is installed in accordance with the provisions of this part and the applicable CMS performance specification(s), must check the zero (low-level) and high-level calibration drifts at least once daily in accordance with the written procedure specified in the performance evaluation plan developed under paragraphs (e)(3)(i) and (ii) of this section. The zero (low-level) and high-level calibration drifts must be adjusted, at a minimum, whenever the 24-hour zero (low-level) drift exceeds two times the limits of the applicable performance specification(s) specified in the relevant standard. The system shall allow the amount of excess zero (low-level) and high-level drift measured at the 24-hour interval checks to be recorded and quantified whenever specified.

3.2.10 Continuous Monitoring Systems (CMS) Out of Control Periods

40 CFR 63.8(c)(7) and (8) (11/14/18)

A CMS is out of control if—

- (A) The zero (low-level), mid-level (if applicable), or high-level calibration drift (CD) exceeds two times the applicable CD specification in the applicable performance specification or in the relevant standard; or
- (B) The CMS fails a performance test audit (e.g., cylinder gas audit), relative accuracy audit, relative accuracy test audit, or linearity test audit.

When the CMS is out of control, the owner or operator of the affected source shall take the necessary corrective action and shall repeat all necessary tests which indicate that the system is out of control. The owner or operator shall take corrective action and conduct retesting until the performance requirements are below the applicable limits. The beginning of the out-of-control period is the hour the owner or operator conducts a performance check (e.g., calibration drift) that indicates an exceedance of the performance requirements established under this part. The end of the out-of-control period is the hour following the completion of corrective action and successful demonstration that the system is within the allowable limits. During the period the CMS is out of control, recorded data shall not be used in data averages and calculations, or to meet any data availability requirement established under this part.

The owner or operator of a CMS that is out of control as defined in paragraph (c)(7) of this section shall submit all information concerning out-of-control periods, including start and end dates and hours and descriptions of corrective actions taken, in the excess emissions and continuous monitoring system performance report required in 63.10(e)(3).

3.2.11 Continuous Monitoring Systems (CMS) Quality Control Program

40 CFR 63.8(d) & (e) (11/14/18), 63.9(g)(1) (5/30/03)

The results of the quality control program required in this paragraph will be considered by the Administrator when he/she determines the validity of monitoring data.

The owner or operator of an affected source that is required to use a CMS and is subject to the monitoring requirements of this section and a relevant standard shall develop and implement a CMS quality control program. As part of the quality control program, the owner or operator shall develop and submit to the Administrator for approval upon request a site-specific performance evaluation test plan for the CMS performance evaluation required in paragraph (e)(3)(i) of this section, according to the procedures specified in paragraph (e). In addition, each quality control program shall include, at a minimum, a written protocol that describes procedures for each of the following operations:

- (i) Initial and any subsequent calibration of the CMS;
- (ii) Determination and adjustment of the calibration drift of the CMS;
- (iii) Preventive maintenance of the CMS, including spare parts inventory;
- (iv) Data recording, calculations, and reporting;
- (v) Accuracy audit procedures, including sampling and analysis methods; and
- (vi) Program of corrective action for a malfunctioning CMS.

The owner or operator shall keep these written procedures on record for the life of the affected source or until the affected source is no longer subject to the provisions of this part, to be made available for inspection, upon request, by the Administrator. If the performance evaluation plan is revised, the owner or operator shall keep previous (i.e., superseded) versions of the performance

evaluation plan on record to be made available for inspection, upon request, by the Administrator, for a period of 5 years after each revision to the plan.

When required by a relevant standard, and at any other time the Administrator may require under section 114 of the Act, the owner or operator of an affected source being monitored shall conduct a performance evaluation of the CMS. Such performance evaluation shall be conducted according to the applicable specifications and procedures described in this section or in the relevant standard.

The owner or operator shall notify the Administrator in writing of the date of the performance evaluation simultaneously with the notification of the performance test date required under §63.7(b) or at least 60 days prior to the date the performance evaluation is scheduled to begin if no performance test is required.

Before conducting a required CMS performance evaluation, the owner or operator of an affected source shall develop and submit a site-specific performance evaluation test plan to the Administrator for approval upon request. The performance evaluation test plan shall include the evaluation program objectives, an evaluation program summary, the performance evaluation schedule, data quality objectives, and both an internal and external QA program. Data quality objectives are the pre-evaluation expectations of precision, accuracy, and completeness of data.

The internal QA program shall include, at a minimum, the activities planned by routine operators and analysts to provide an assessment of CMS performance. The external QA program shall include, at a minimum, systems audits that include the opportunity for on-site evaluation by the Administrator of instrument calibration, data validation, sample logging, and documentation of quality control data and field maintenance activities.

The owner or operator of an affected source shall submit the site-specific performance evaluation test plan to the Administrator (if requested) at least 60 days before the performance test or performance evaluation is scheduled to begin, or on a mutually agreed upon date, and review and approval of the performance evaluation test plan by the Administrator will occur with the review and approval of the site-specific test plan (if review of the site-specific test plan is requested).

The Administrator may request additional relevant information after the submittal of a site-specific performance evaluation test plan.

Neither the submission of a site-specific performance evaluation test plan for approval, nor the Administrator's approval or disapproval of a plan, nor the Administrator's failure to approve or disapprove a plan in a timely manner shall—

- (A) Relieve an owner or operator of legal responsibility for compliance with any applicable provisions of this part or with any other applicable Federal, State, or local requirement; or
- (B) Prevent the Administrator from implementing or enforcing this part or taking any other action under the Act.

The owner or operator of an affected source shall conduct a performance evaluation of a required CMS during any performance test required under §63.7 in accordance with the applicable performance specification as specified in the relevant standard. If a performance test is not required, or the requirement for a performance test has been waived under §63.7(h), the owner or operator of an affected source shall conduct the performance evaluation not later than 180 days after the appropriate compliance date for the affected source, as specified in §63.7(a), or as otherwise specified in the relevant standard.

The owner or operator shall furnish the Administrator a copy of a written report of the results of the performance evaluation containing the information specified in §63.7(g)(2)(i) through (vi) simultaneously with the results of the performance test required under §63.7 or within 60 days of completion of the performance evaluation if no test is required, unless otherwise specified in a relevant standard.

3.2.12 Continuous Monitoring Systems (CMS) Data Reduction

40 CFR 63.8(g) (11/14/18)

The owner or operator of each CMS must reduce the monitoring data as specified in paragraphs (g)(1) through (5) of this section.

Data from CEMS for measurement other than opacity, unless otherwise specified in the relevant standard, shall be reduced to 1-hour averages computed from four or more data points equally spaced over each 1-hour period, except during periods when calibration, quality assurance, or maintenance activities pursuant to provisions of this part are being performed. During these periods, a valid hourly average shall consist of at least two data points with each representing a 15-minute period. Alternatively, an arithmetic or integrated 1-hour average of CEMS data may be used. Time periods for averaging are defined in §63.2.

The data may be recorded in reduced or nonreduced form (e.g., ppm pollutant and percent O₂ or ng/J of pollutant).

All emission data shall be converted into units of the relevant standard for reporting purposes using the conversion procedures specified in that standard. After conversion into units of the relevant standard, the data may be rounded to the same number of significant digits as used in that standard to specify the emission limit (e.g., rounded to the nearest 1 percent opacity).

Monitoring data recorded during periods of unavoidable CMS breakdowns, out-of-control periods, repairs, maintenance periods, calibration checks, and zero (low-level) and high-level adjustments must not be included in any data average computed under this part. For the owner or operator complying with the requirements of §63.10(b)(2)(vii)(A) or (B), data averages must include any data recorded during periods of monitor breakdown or malfunction.

3.2.13 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 (6/25/13), (as amended by Delegation Letter dated 9/28/17 from Tim Hamlin, Director of the Office of Air and Waste, EPA Region 10 to Mark Buford, Director of NWCAA)

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 and Waste
U.S. EPA Region 10, Mail Stop: OCE-101
1200 Sixth Avenue, Suite 155
Seattle, WA 98101-3140

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.

3.2.14 Notification

3.2.14.1 Notification Requirements for New or Reconstructed Part 63 NESHAP Sources 40 CFR 63.9(b)(4) (5/30/03)

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.

3.2.14.2 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)

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.

3.2.14.3 Notification Requirements for New or Reconstructed Part 63 Subpart UUU (Refinery MACT II) Affected Sources 40 CFR 63.1574(c) (11/26/18)

The requirements for notification of startup of new or reconstructed affected sources for Subpart UUU affected sources are the same as noted in AOP Term 3.2.14.1 with the following clarifications, exceptions, or differences:

If the new or reconstructed affected source is started up after April 11, 2002, initial notification must be submitted no later than 120 days after the source becomes subject to Subpart UUU.

3.2.15 Recordkeeping

3.2.15.1 Recordkeeping for Part 63 NESHAP Sources (except for Subpart DDDDD) 40 CFR 63.10(b)(1) and (3) (4/20/06)

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.

3.2.15.2 Recordkeeping for 40 CFR 63 Subpart UUU (Refinery MACT II)-Affected Sources 40 CFR 63.10(b)(2)(iii), (vi), & (vii)-(xiv) (4/20/06), 63.1576(a), (b), & (c) (11/26/18), 63.1577 (4/11/02) & Table 44 to 40 CFR 63 Subpart UUU (11/26/18)

The owner or operator of an affected source subject to the provisions of this part shall maintain relevant records for such source of:

- (iii) All required maintenance performed on the air pollution control and monitoring equipment;
- (vi) Each period during which a CMS is malfunctioning or inoperative (including out-of-control periods);
- (vii) All required measurements needed to demonstrate compliance with a relevant standard (including, but not limited to, 15-minute averages of CMS data, raw performance testing measurements, and raw performance evaluation measurements, that support data that the source is required to report);

(A) This paragraph applies to owners or operators required to install a continuous emissions monitoring system (CEMS) where the CEMS installed is automated, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. An automated CEMS records and reduces the measured data to the form of the pollutant emission standard through the use of a computerized data acquisition system. In lieu of maintaining a file of all CEMS subhourly measurements as required under paragraph (b)(2)(vii) of this section, the owner or operator shall retain the most recent consecutive three averaging periods of subhourly measurements and a file that contains a hard copy of the data acquisition system algorithm used to reduce the measured data into the reportable form of the standard.

(B) This paragraph applies to owners or operators required to install a CEMS where the measured data is manually reduced to obtain the reportable form of the standard, and where the calculated data averages do not exclude periods of CEMS breakdown or

malfunction. In lieu of maintaining a file of all CEMS subhourly measurements as required under paragraph (b)(2)(vii) of this section, the owner or operator shall retain all subhourly measurements for the most recent reporting period. The subhourly measurements shall be retained for 120 days from the date of the most recent summary or excess emission report submitted to the Administrator.

(C) The Administrator or delegated authority, upon notification to the source, may require the owner or operator to maintain all measurements as required by paragraph (b)(2)(vii), if the Administrator or the delegated authority determines these records are required to more accurately assess the compliance status of the affected source.

- (viii) All results of performance tests, CMS performance evaluations, and opacity and visible emission observations;
- (ix) All measurements as may be necessary to determine the conditions of performance tests and performance evaluations;
- (x) All CMS calibration checks;
- (xi) All adjustments and maintenance performed on CMS;
- (xiv) All documentation supporting initial notifications and notifications of compliance status under §63.9.

Keep the following records:

- (i) Record the date, time, and duration of each startup and/or shutdown period, recording the periods when the affected source was subject to the alternative applicable to startup and shutdown.
- (ii) In the event that an affected unit fails to meet an applicable standard, record the number of failures. For each failure record the date, time and duration of each failure.
- (iii) For each failure to meet an applicable standard, record and retain a list of the affected sources or equipment, and estimate of the volume of each regulated pollutant emitted over any emission limit and a description of the method used to estimate the emissions.
- (iv) Record actions taken to minimize emissions in accordance with 63.1570(c) and any corrective actions taken to return the affected unit to its normal or usual manner of operation.
- (v) For each continuous emission monitoring system, keep records of the date and time that each deviation started and stopped.

*3.2.15.3 Recordkeeping for 40 CFR 63 Subpart DDDDD-Affected Sources
40 CFR 63.10(b)(2)(i), (iii), (vi)-(xiv) (4/20/06); 63.7550(c)(5)(viii)
(11/20/15); 63.7555(d)(7) & (d)(8) (11/20/15); 63.7565 (4/11/02) & Table 10
to 40 CFR 63 Subpart DDDDD (11/20/15)*

The owner or operator of an affected source subject to the provisions of this part shall maintain relevant records for such source of:

- (i) The occurrence and duration of each startup or shutdown when the startup or shutdown causes the source to exceed any applicable emission limitation in the relevant emission standards;
- (iii) All required maintenance performed on the air pollution control and monitoring equipment;

- (vi) Each period during which a CMS is malfunctioning or inoperative (including out-of-control periods);
- (vii) All required measurements needed to demonstrate compliance with a relevant standard (including, but not limited to, 15-minute averages of CMS data, raw performance testing measurements, and raw performance evaluation measurements, that support data that the source is required to report);

(A) This paragraph applies to owners or operators required to install a continuous emissions monitoring system (CEMS) where the CEMS installed is automated, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. An automated CEMS records and reduces the measured data to the form of the pollutant emission standard through the use of a computerized data acquisition system. In lieu of maintaining a file of all CEMS subhourly measurements as required under paragraph (b)(2)(vii) of this section, the owner or operator shall retain the most recent consecutive three averaging periods of subhourly measurements and a file that contains a hard copy of the data acquisition system algorithm used to reduce the measured data into the reportable form of the standard.

(B) This paragraph applies to owners or operators required to install a CEMS where the measured data is manually reduced to obtain the reportable form of the standard, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. In lieu of maintaining a file of all CEMS subhourly measurements as required under paragraph (b)(2)(vii) of this section, the owner or operator shall retain all subhourly measurements for the most recent reporting period. The subhourly measurements shall be retained for 120 days from the date of the most recent summary or excess emission report submitted to the Administrator.

(C) The Administrator or delegated authority, upon notification to the source, may require the owner or operator to maintain all measurements as required by paragraph (b)(2)(vii), if the Administrator or the delegated authority determines these records are required to more accurately assess the compliance status of the affected source.

- (viii) All results of performance tests, CMS performance evaluations, and opacity and visible emission observations;
- (ix) All measurements as may be necessary to determine the conditions of performance tests and performance evaluations;
- (x) All CMS calibration checks;
- (xi) All adjustments and maintenance performed on CMS;
- (xiv) All documentation supporting initial notifications and notifications of compliance status under §63.9.

Records of the occurrence and duration of each malfunction of the boiler or process heater, or of the associated air pollution control and monitoring equipment.

If a malfunction occurred during the reporting period, the report must include the number, duration, and a brief description for each type of malfunction which occurred during the reporting period and which caused or may have caused any applicable emission limitation to be exceeded. The report must also include a description of actions taken by you during a malfunction of a boiler, process heater, or associated air pollution control device or CMS to minimize emissions in accordance with §63.7500(a)(3), including actions taken to correct the malfunction.

3.2.16 Deviation Reporting

*Deviation Reporting Requirements for 40 CFR 63 Subpart UUU Affected Sources
40 CFR 63.1570(f) (12/1/15), 63.1575(a)-(g), (i), & (k) (11/26/18), and Table
43 (11/26/18)*

Report each instance in which each emissions limit and each operating limit was not met. This includes periods of startup, shutdown, and malfunction. Also, report each instance in which the work practice standards that apply were not met. These instances are deviations from the emission limitations and work practices.

Submit compliance reports covering the semiannual reporting period from January 1 through June 30 and from July 1 through December 31. The reports must be postmarked or delivered no later than July 31 or January 31, whichever date comes first after the end of the period.

The compliance report must contain (1) the company name and address, (2) a statement by a responsible official, with the official's name, title, and signature, certifying the accuracy of the content of the report, and (3) the date of the report and the beginning and ending dates of the reporting period.

If there are no deviations, the report must contain a statement that there were no deviations from the emission limitations or work practice standards during the reporting period and that no continuous emission monitoring system was inoperative, inactive, malfunctioning, out-of-control, repaired, or adjusted.

If there were deviations during the reporting period, the report must contain the information in 40 CFR 63.1575(d) and/or (e).

Include a copy of any performance test done during the reporting period as per 40 CFR 63.1575(f). The test results shall be submitted electronically to EPA's Central Data Exchange (www.cdx.epa.gov) within 60 days of test completion in accordance with 63.1575(k). Also report if there is any requested change in the applicability of an emission standard.

Reports required by other regulations may be submitted in place of or as part of the compliance report if they contain the required information.

3.2.17 Recordkeeping Requirements for Sources with Continuous Monitoring Systems

*Recordkeeping Requirements for Sources with CMS for Part 63 NESHAP
Sources
40 CFR 63.10(c) (4/20/06)*

In addition to complying with the requirements specified in paragraphs (b)(1) and (b)(2) of this section, the owner or operator of an affected source required to install a CMS by a relevant standard shall maintain records for such source of:

- (1) All required CMS measurements (including monitoring data recorded during unavoidable CMS breakdowns and out-of-control periods);
- (2)–(4) [Reserved]
- (5) The date and time identifying each period during which the CMS was inoperative except for zero (low-level) and high-level checks;
- (6) The date and time identifying each period during which the CMS was out of control, as defined in §63.8(c)(7);
- (7) The specific identification (i.e., the date and time of commencement and completion) of each period of excess emissions and parameter monitoring exceedances, as defined in the relevant standard(s), that occurs during startups, shutdowns, and malfunctions of the affected source;

- (8) The specific identification (i.e., the date and time of commencement and completion) of each time period of excess emissions and parameter monitoring exceedances, as defined in the relevant standard(s), that occurs during periods other than startups, shutdowns, and malfunctions of the affected source;
- (9) [Reserved]
- (10) The nature and cause of any malfunction (if known);
- (11) The corrective action taken or preventive measures adopted;
- (12) The nature of the repairs or adjustments to the CMS that was inoperative or out of control;
- (13) The total process operating time during the reporting period; and
- (14) All procedures that are part of a quality control program developed and implemented for CMS under §63.8(d).

3.2.18 Additional 40 CFR Part 63 Subpart CC (Refinery MACT) Process Units Added or Process Changes Not Meeting Construction or Reconstruction Definition

40 CFR 63.640(l) and (m) (12/1/15)

If an additional petroleum refining process unit or a process change is made that is subject to 63.640(l), the added emission point(s) and any emission point(s) within the added or changed petroleum refining process unit are subject to the requirements for an existing source.

If a process unit is added to a plant site or an emission point(s) is added to any existing petroleum refining process unit, the added emission point(s) shall be in compliance upon initial startup.

If a deliberate operational process change to an existing petroleum refining process unit causes a Group 2 emission point to become a Group 1 emission point, the owner or operator shall be in compliance upon initial startup unless they demonstrate to the Administrator that achieving compliance will take longer than making the change. If this demonstration is made to the Administrator's satisfaction, the owner or operator shall follow the procedures as noted below to establish a compliance date:

- (i) The owner or operator shall submit a compliance schedule along with a justification for the schedule;
- (ii) The compliance schedule shall be submitted within 180 days after the change is made, unless the compliance schedule has been previously submitted to the NWCAA; and,
- (iii) The Administrator shall approve or deny the compliance schedule or request within 120 calendar days of receipt of the compliance schedule and justification.

The emission points are subject to the Notification of Compliance Status Report as required by 63.655 (f), Periodic Reports as required by 63.655 (g) and (h), and other reports as required by 40 CFR 63.640(l)(3)(i) through (vii) and Subpart A of Part 63. Pumps, compressors, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, or instrumentation systems added to an existing source are subject to the equipment leak standards for existing sources in §63.648 but a notification of compliance status report is not required for such added equipment as provided by 40 CFR 63.640(l)(4).

3.2.19 Notification of Compliance Status (NCS)

3.2.19.1 NCS for Part 63 NESHAPs Sources 40 CFR 63.9(h) (5/30/03)

Each time a notification of compliance status is required under this part, the owner or operator of such source shall submit to the Administrator a notification of compliance status, signed by the responsible official who shall certify its accuracy, attesting to whether the source has complied with the relevant standard. The notification shall list:

- the methods that were used to determine compliance;
- the results of any performance tests, opacity or visible emission observations, continuous monitoring system (CMS) performance evaluations, and/or other monitoring procedures or methods that were conducted;
- the methods that will be used for determining continuing compliance, including a description of monitoring and reporting requirements and test methods;
- the type and quantity of hazardous air pollutants emitted by the source (or surrogate pollutants if specified in the relevant standard), reported in units and averaging times and in accordance with the test methods specified in the relevant standard;
- if the relevant standard applies to both major and area sources, an analysis demonstrating whether the affected source is a major source (using the emissions data generated for this notification);
- a description of the air pollution control equipment (or method) for each emission point, including each control device (or method) for each hazardous air pollutant and the control efficiency (percent) for each control device (or method); and
- a statement by the owner or operator of the affected existing, new, or reconstructed source as to whether the source has complied with the relevant standard or other requirements.

After the applicable requirements are incorporated into the affected source's title V permit, the owner or operator of such source shall comply with all requirements for compliance status reports contained in the source's title V permit, including reports required under this part. After a title V permit has been issued to the owner or operator of an affected source, and each time a notification of compliance status is required under this part, the owner or operator of such source shall submit the notification of compliance status to the appropriate permitting authority following completion of the relevant compliance demonstration activity specified in the relevant standard.

The NCS must be sent before the close of business on the 60th day following the completion of the relevant compliance demonstration activity specified in the relevant standard (unless a different reporting period is specified in the standard, in which case the letter must be sent before the close of business on the day the report of the relevant testing or monitoring results is required to be delivered or postmarked). For example, the notification shall be sent before close of business on the 60th (or other required) day following completion of the initial performance test and again before the close of business on the 60th (or other required) day following the completion of any subsequent required performance test. If no performance test is required but opacity or visible emission observations are required to demonstrate compliance with an opacity or visible emission standard under this part, the notification of compliance status shall be sent before close of business on the 30th day following the completion of opacity or visible emission observations. Notifications may be combined as long as the due date requirement for each notification is met.

3.2.19.2 NCS for 40 CFR 63 Subpart UUU (Refinery MACT II) Affected Sources
40 CFR 63.1574(a)(3) & (d) (11/26/18), and Table 42 (2/9/05); 63.1577
(4/11/02) and Table 44 (12/1/15)

The requirements for Notifications of Compliance Status for Subpart UUU affected sources are the same as noted in AOP Term 3.2.19.1 with the following clarifications, exceptions, or differences:

If a performance test, performance evaluation, design evaluation, opacity observation, visible emission observation, or other initial compliance demonstration is required, a Notification of Compliance Status is required. This information can be submitted in an operating permit application, in an amendment to an operating permit application, in a separate submission, or in any combination. If the required information has been submitted previously, a separate Notification of Compliance Status is not required, just refer to earlier submissions instead of duplicating and resubmitting the previously submitted information.

For each initial compliance demonstration that does not include a performance test, the Notification of Compliance Status must be submitted no later than 30 calendar days following completion of the initial compliance demonstration.

For each initial compliance demonstration that includes a performance test, the Notification of Compliance Status, including the performance test results, must be submitted no later than 150 calendar days after the specified compliance date.

The initial Notification of Compliance Status shall include, as applicable, the information listed in 40 CFR 63 Subpart UUU Table 42.

3.2.19.3 NCS for 40 CFR 63 Subpart DDDDD (Boiler MACT) Affected Sources
40 CFR 63.7545(a), (e), (e)(1), (e)(6), & (e)(8) (11/20/15)

The requirements for Notifications of Compliance Status for Subpart DDDDD affected sources are the same as noted in AOP Term 3.2.19.1 with the following clarifications, exceptions, or differences:

The NCS shall be submitted by close of business on the 60th day after January 31, 2016 (i.e., March 31, 2016). It shall include a signed certification that all the work practice standards have been met. Also, it should include a description of the affected units including identification of which subcategories the unit is in, the design heat input capacity of the unit, a description of the add-on controls used on the unit to comply with this subpart, description of the fuel(s) burned, and justification for the selection of fuel(s) burned during the compliance demonstration.

The NCS must include the following certification(s) of compliance, as applicable, and be signed by a responsible official:

"This facility completed the required initial tune-up for all of the boilers and process heaters covered by 40 CFR 63 Subpart DDDDD at this site according to the procedures in §63.7540(a)(10)(i) through (vi)." and "This facility has had an energy assessment performed according to §63.7530(e)."

SECTION 4 GENERALLY APPLICABLE REQUIREMENTS

The requirements in the "Citation" column and incorporated herein by reference are applicable plant-wide 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. "State Only" WAC citations are enforceable by NWCAA because they are adopted by reference in NWCAA 104.1, as amended April 11, 2019. All of the federal regulations listed in Section 4 have been adopted by reference in NWCAA 104.2, as amended April 11, 2019.

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, & Reporting" column, which identifies monitoring, recordkeeping and reporting (MR&R) obligations the source must perform as required by the underlying requirement or by WAC 173-401-605(1) or -615. MR&R obligations do not apply to insignificant emission units.

The requirements in the MR&R column listed labeled as "*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 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.

MR&R requirements noted as "*CAM*" are part of the Compliance Assurance Monitoring (CAM) Plan for the specified unit(s) as required by 40 CFR 64.6(c) (10/22/97). The CAM plan submitted by the facility per 40 CFR 64.4 is included in the Statement of Basis document accompanying this permit.

Term	Citation	Description	Monitoring, Recordkeeping, & Reporting
4.1 General	WAC 173-401-615(3)(a) (10/17/02) 40 CFR 60 Subpart A 60.19(c) (2/12/99) 40 CFR 63 Subpart A 63.10(a)(5) (4/20/06)	<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.	<i>Directly Enforceable:</i> Monthly reports shall cover a calendar month, quarterly reports shall cover a calendar quarter, six-month reports shall cover January through June and July through December, and annual reports shall cover a calendar year. The reports shall be submitted within 30 days after the close of the period that the reports cover except as per the following AOP Terms: AOP Term 2.1.8.3 - Source testing AOP Term 2.4.1.1 - Annual AOP certification AOP Term 2.4.4.3 - Annual emissions inventory AOP Term 2.4.5.2 - Annual GHG emissions AOP Term 2.10 - GHG Clean Air Rule
4.2 General	NWCAA 342 (9/8/93) NWCAA 342 (7/14/05 State Only)	<u>Operation and Maintenance</u> 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. <i>Directly Enforceable:</i> Monitor, keep records and report in accordance with the terms of this permit.

Term	Citation	Description	Monitoring, Recordkeeping, & Reporting
4.3 Nuisance	NWCAA 530 (3/09/00 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><i>Directly Enforceable:</i></p> <p>Upon 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 4 hours, action shall be taken to minimize emissions until repairs can be made and 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> <p>Receipt of a nuisance complaint in itself shall not necessarily be a violation.</p>
4.4 Nuisance	WAC 173-400-040(5) (9/20/93) WAC 173-400-040(6) (9/16/18 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>	
4.5 Odor	NWCAA 535 (3/09/00 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 property 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 any odorous 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>	
4.6 Odor	WAC 173-400-040(5) (9/16/18 State Only)	<p><u>Odors</u></p> <p>Source may not generate odors which may unreasonably interfere with property use and must use recognized good practice and procedures to reduce odors to reasonable minimum.</p>	

Term	Citation	Description	Monitoring, Recordkeeping, & Reporting
4.7 PM	NWCAA 550 (4/14/93)	<u>Preventing Particulate Matter from Becoming Airborne</u> Best Available Control Technology (BACT) required to prevent the release of fugitive matter to the ambient air. Nuisance particulate fallout is prohibited.	<i>Directly Enforceable:</i> Follow MR&R under AOP Term 4.3.
4.8 PM	NWCAA 550 (9/11/14 State Only)	<u>Preventing Particulate Matter from Becoming Airborne</u> The owner or operator of a source or activity that generates fugitive dust, including, but not limited to, material handling, building construction or demolition, abrasive blasting, roadways and lots, shall employ reasonable precautions to prevent fugitive dust from becoming airborne and must maintain and operate the source or activity to minimize emissions. It shall be unlawful for any person to cause or allow the emission of particulate matter which becomes deposited upon the property of others in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property.	
4.9 PM	WAC 173-400-040(3) (9/16/18 State Only)	<u>Fallout</u> 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.	
4.10 PM	WAC 173-400-040(3)(a) (9/20/93) WAC 173-400-040(4)(a) (9/16/18 State Only)	<u>Fugitive Emissions</u> From an emissions unit engaging in materials handling, construction, demolition, or other operation which is a source of fugitive emissions, take reasonable precautions to prevent the release of air contaminants from the operation.	
4.11 PM	WAC 173-400-040(8)(a) (9/20/93) WAC 173-400-040(9)(a) (9/16/18 State Only)	<u>Fugitive Dust</u> Reasonable precautions to prevent release of fugitive dust required. Maintain and operate source to minimize emissions.	

Term	Citation	Description	Monitoring, Recordkeeping, & Reporting
4.12 Opacity	NWCAA 451.1 (10/13/94) NWCAA 451.1 (11/8/07 State Only)	<u>Emission of Air Contaminant - Visual Standard</u> No person shall cause or permit the emission, for any period aggregating more than 3 minutes in any 1 hour, of an air contaminant from any source which, at the point at emission, or within a reasonable distance of the point of emission, exceeds 20% opacity (Ecology Method 9A) except: When there is valid data to show that the opacity is in excess of 20% as a result of the presence of condensed water droplets, and that the concentration of the particulate matter, as shown by a source test approved by the Control Officer, is less than 0.10 (0.23 g/m ³) grain/dscf.	<i>Directly Enforceable:</i> At least once during each calendar month that an emission unit (e.g., SPU, SRU, SPU3 Startup Heater, Abatement Unit 10 and 11 Process Heaters, SRU Flare, SRU Auxiliary Boiler) operates, conduct qualitative visual observations on each stack while operating to determine whether there are visible emissions (VE). If, at any time, VE are observed, take one or more of the following actions within 24 hours or it will be considered prima facie evidence that all applicable opacity limits have been exceeded:
4.13 Opacity	WAC 173-400-040(1) (9/20/93) WAC 173-400-040(2) (9/16/18 State Only)	<u>Visible Emissions</u> No person shall cause or allow the emission for more than 3 minutes, in any 1 hour, of an air contaminant from any emissions unit which at the emission point, or within a reasonable distance of the emission point, exceeds 20% opacity (Ecology Method 9A) except: When the owner or operator of a source supplies valid data to show that the presence of uncombined water is the only reason for the opacity to exceed 20%.	<ul style="list-style-type: none"> • Take corrective action as soon as practicable that returns VE to a non-visible level. • Shut the unit down until appropriate corrective actions can be taken. • Observe and record VE using a certified observer in accordance with EPA Method 9 (6 consecutive minutes). If any single reading is greater than an applicable numerical opacity limit, the certified observer shall determine opacity in accordance with the appropriate method for each opacity limit applicable to that emission unit. A certified observer shall determine opacity on a daily basis according to each applicable opacity limit until visible emissions are determined to be in compliance with each opacity limit.
4.14 PM	NWCAA 455.1 (4/14/93) NWCAA 455.1 (5/11/95 State Only)	<u>Emission of Particulate Matter</u> No person shall cause or permit emission of particulate matter in excess of 0.10 grain/dry standard cubic foot (dscf) (0.23 g/m ³) (combustion emissions shall be corrected to 7% O ₂) except: From all gaseous and distillate fuel burning equipment, emissions shall not exceed 0.05 grain/dscf (0.11 g/m ³) corrected to 7% oxygen.	For each qualitative VE observation, record the date and time of the observation, emission unit(s) observed, and name of observer. For stacks with VE, record any related equipment or operational failure, failure dates and times, duration of visible emissions, and corrective actions taken.
4.15 PM	WAC 173-400-060 (3/22/91) WAC 173-400-060 (11/25/18 State Only)	<u>Emission Standards for General Process Units</u> Particulate emissions greater than 0.1 grain/dscf prohibited.	The periodic VE observation frequency may be reduced from monthly to quarterly if no visible emissions are observed for six consecutive months. If visible emissions are observed, the observation frequency shall revert back to monthly.
4.16 PM	WAC 173-400-050(1) and (3) (3/22/91) WAC 173-400-050(1) and (3) (9/16/18 State Only)	<u>Emission Standards for Combustion and Incineration Units</u> Particulate emissions from combustion units greater than 0.1 grains/dscf corrected to 7% oxygen prohibited.	Compliance with this MR&R does not excuse an exceedance of the underlying opacity standard.

Term	Citation	Description	Monitoring, Recordkeeping, & Reporting
4.17 SO ₂	NWCAA 410 (4/14/93) NWCAA 465.21, 465.22, & 465.24 (4/14/93 State Only)	<p><u>Sulfur Oxide Standards</u></p> <p>Unlawful for any person to cause or permit sulfur oxides to be emitted into the ambient air, calculated as sulfur dioxide, measured at an ambient air monitoring station to exceed:</p> <ul style="list-style-type: none"> • 0.800 ppmv for any 5 minute average, not to be exceeded more than once per year • 0.400 ppmv for any hour average, not to be exceeded more than once per year • 0.250 ppmv for any one hour average, not to be exceeded more than twice in any 7 consecutive days • 0.100 ppmv for any one day (24 hours), not to be exceeded more than once per year • 0.020 ppmv for any one year (annual arithmetic mean) 	<p>The owner or operator shall install, calibrate, maintain and operate, monitoring equipment as approved by NWCAA as follows:</p> <ul style="list-style-type: none"> • At least one continuous recording meteorological station equipped to record wind speeds and direction. • At least one continuous recording ground level sulfur dioxide monitor. • The monitoring equipment required to be installed shall comply with the equipment and performance specifications and reporting requirements as established by NWCAA. <p><i>Directly Enforceable:</i> Maintain and operate an ambient air monitor in accordance with NWCAA Section 367 and NWCAA Appendix A.</p>
4.18 SO ₂	NWCAA 462 (10/13/94)	<p><u>Emission of Sulfur Compounds</u></p> <p>Sulfur compounds emissions, calculated as SO₂, shall not exceed 1,000 ppmvd at 7% oxygen.</p> <p>This requirement is not violated if reasonable evidence is presented that concentrations will not exceed ambient standards and the permittee demonstrates that no practical method of reducing the concentration exists.</p>	<p><i>Directly Enforceable:</i> Monitor and record the concentration of stack SO₂, or alternatively fuel gas H₂S, in accordance with the applicable permit terms listed in AOP Section 5.</p>
4.19 SO ₂	NWCAA 462 (3/13/97 State Only)	<p><u>Emission of Sulfur Compounds</u></p> <p>Sulfur compounds emissions, calculated as SO₂, shall not exceed 1,000 ppmvd at 7% oxygen averaged for a 60 consecutive minute period.</p> <p>This requirement is not violated if reasonable evidence is presented that concentrations will not exceed ambient standards and the permittee demonstrates that no practical method of reducing the concentration exists.</p>	
4.20 SO ₂	WAC 173-400-040(6) first paragraph only (9/20/93) WAC 173-400-040(7) (9/16/18 State Only)	<p><u>Sulfur Dioxide</u></p> <p>Sulfur dioxide emissions shall not exceed 1,000 ppmvd, corrected to 7% oxygen for combustion sources, based on the average of any 60 consecutive minute period.</p>	

Term	Citation	Description	Monitoring, Recordkeeping, & Reporting
4.21 SO ₂	NWCAA 520.11, 520.12, 520.13 and 520.15 (4/14/93)	<p><u>Sulfur Compounds in Fuel</u> Prohibited to burn, sell, or make available for sale for burning in fuel burning equipment within the jurisdiction of the NWCAA, fuel containing sulfur in excess of the following for a time period not to exceed 30 days in a 12-month period:</p> <ul style="list-style-type: none"> • #1 distillate – 0.3 wt% • #2 distillate – 0.5 wt% • other fuel oils – 2.0 wt% • gaseous fuels – 50 gr/100 scf (412 ppm at standard conditions) • solid fuels – 2.0 wt% 	<p><i>Directly Enforceable:</i> Retain fuel specifications and purchase records verifying that fuel combusted has a sulfur content of no more than the allowable limits.</p>
4.22 SO ₂	NWCAA 520.11, 520.12, 520.13 and 520.15 (5/9/96 State Only)	<p><u>Sulfur Compounds in Fuel</u> Prohibited to burn, sell, or make available for sale for burning in fuel burning equipment within the jurisdiction of the NWCAA, fuel containing sulfur in excess of:</p> <ul style="list-style-type: none"> • #1 distillate – 0.3 wt% • #2 distillate – 0.5 wt% • other fuel oils – 2.0 wt% • gaseous fuels – 50 gr/100 scf (412 ppm at standard conditions) • solid fuels – 2.0 wt% <p>Ocean-going vessels are exempt.</p>	

SECTION 5 SPECIFICALLY APPLICABLE REQUIREMENTS

The requirements in the “Citation” column and incorporated herein by reference are applicable to the emission units specified within each table. 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. “State Only” WAC citations are enforceable by NWCAA because they are adopted by reference in NWCAA 104.1, as amended April 11, 2019. All of the federal regulations listed in Section 5 have been adopted by reference in NWCAA 104.2, as amended April 11, 2019.

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, & Reporting” column, which identifies monitoring, recordkeeping and reporting (MR&R) obligations the source must perform as required by the underlying requirement or by WAC 173-401-605(1) or -615. MR&R obligations do not apply to insignificant emission units.

The requirements in the MR&R column labeled as “*Directly Enforceable:*” are legally enforceable requirements added under the NWCAA’s “gap-filling” authority (WAC 173-401-615(1)(b) & (c) (10/17/02)). MR&R requirements labeled as “*CAM:*” are part of the Compliance Assurance Monitoring (CAM) Plan for the specified unit(s) as required by 40 CFR 64.6(c) (10/22/97) and WAC 173-401-615(4). The CAM plan submitted by the facility per 40 CFR 64.4 is included in the Statement of Basis document accompanying this permit. Other requirements not labeled “*Directly Enforceable:*” or “*CAM:*” are brief descriptions of the regulatory requirements for informational purposes, and are not enforceable, unless identical to the cited requirement; the language of the cited regulation takes precedence over a paraphrased requirement.

A few of the federal standards in the following tables refer to other standards, which, in turn, refer to yet other standards. For example, in AOP Term 5.2.9 the citation for 60.590-60.593 of 40 CFR 60 Subpart GGG refers to 60.482-60.487 of 40 CFR 60 Subpart VV. The symbol → is used in place of “which refers to.”

5.1 Sulfuric Acid Plant

Sulfuric Acid Plant			
Term	Citation	Description	Monitoring, Recordkeeping, & Reporting
Note: 40 CFR 60 General Provisions included in AOP Section 3 apply to this affected facility			
5.1.1 General	PSD 94-01 Amendment 1 Condition 6 (1/14/98)	Operating and maintenance manuals for all equipment that has the potential to affect emission to the atmosphere have been developed and will be followed. Emissions that result from a failure to follow the requirements of the manuals may be considered proof that the equipment was not properly operated and maintained.	Copies of the manuals shall be available to NWCAA and Ecology.

Sulfuric Acid Plant			
Term	Citation	Description	Monitoring, Recordkeeping, & Reporting
5.1.2 General	PSD 94-01 Amendment 1 Conditions 4 & 5 (1/14/98)	CEMS and process data shall be reported in written form to NWCAA at least monthly within 30 days of the end of each calendar month.	<p>The monthly report shall include:</p> <ul style="list-style-type: none"> • Monthly average in units of the standard for each pollutant monitored; • Duration of CEM monitor downtime, due to: <ul style="list-style-type: none"> ○ Monitor equipment malfunction, ○ Non-monitor equipment malfunction, ○ Quality assurance calibration, ○ Other causes, and ○ Percentage of time the monitor was not operating as compared to total source operating time; • Results of any monitor audits or accuracy checks; • Results of any stack tests. <p>For each occurrence of monitored emissions in excess of the standard, the monthly report shall include:</p> <ul style="list-style-type: none"> • The time of the occurrence; • Magnitude of the emission or process parameters excess; • Duration of the excess; • The probable cause, including startup/shutdown, control equipment problems, process equipment problems, other causes and the percentages of time of excess emissions as compared to total operating time; • Corrective actions taken or planned; and • Any other agency contacted

Sulfuric Acid Plant			
Term	Citation	Description	Monitoring, Recordkeeping, & Reporting
5.1.3 SO ₂	40 CFR 60 Subpart H 60.82(a) (6/14/74) and 60.84(a), (b), (c), & (e) (2/27/14) NWCAA 465.11, 465.23, & 465.24 (4/14/93 State Only)	<p>Sulfuric acid plant emissions shall not exceed 4 lb SO₂/ton of sulfuric acid produced (production expressed as 100% H₂SO₄).</p> <p>Establish a conversion factor to convert the SO₂ monitoring data into units of the standard (lb SO₂/ton of sulfuric acid produced). The conversion factor shall be determined, at a minimum, three times daily by measuring the concentration of SO₂ entering the converter using suitable methods and calculating the appropriate conversion factor for each eight-hour period as follows:</p> $CF = k[(1.000 - 0.015r)/(r - s)]$ <p>where:</p> <ul style="list-style-type: none"> CF=conversion factor (lb/ton per ppm) k=0.1306 (constant derived from material balance) r=%vol SO₂ entering the gas converter s=%vol SO₂ to the atmosphere determined by the CEMS <p>Periods of excess emissions shall be all three-hour periods (or the arithmetic average of three consecutive one-hour periods) during which the integrated average sulfur dioxide emissions exceed the standard.</p>	<p>Install, calibrate, maintain and operate a continuous monitoring system to measure SO₂. The pollutant gas used to prepare calibration gas mixtures under Performance Specification 2 and for calibration checks under 60.13(d) shall be SO₂. The span value shall be set at 1000 ppm SO₂.</p> <p>Record all conversion factors and values from which they were computed.</p> <p><i>Directly Enforceable:</i></p> <p>The monitoring equipment required to be installed shall comply with the equipment and performance specifications and reporting requirements in NWCAA Section 367.</p> <p>Conduct annual performance tests to demonstrate compliance with the standard according to 40 CFR 60 Appendix A, Test Methods 1-4 and 6 or 6C.</p>
5.1.4 SO ₂	PSD 94-01 Amendment 1 Condition 1 (1/14/98)	SO ₂ emissions from the acid plant common stack shall not exceed 315 ppmvd on a 3-hour average or 59.9 lb/hr on a 3-hour average, whichever is more stringent.	<p>Compliance shall be determined by a CEMS. The CEMS used to measure SO₂ emissions shall, at a minimum, conform with 40 CFR 60 Appendix B Performance Specifications. The CEMS quality control plan conforming to 40 CFR 60 Appendix F may be required to be periodically updated.</p> <p><i>Directly Enforceable:</i></p> <p>Conduct annual performance tests to demonstrate compliance with the standard according to 40 CFR Part 60 Appendix A, Test Methods 1-4 and 6 or 6C.</p>

Sulfuric Acid Plant			
Term	Citation	Description	Monitoring, Recordkeeping, & Reporting
5.1.5 H ₂ SO ₄	OAC 458d Conditions (1) & (3) (6/25/15) (CAM)	Sulfuric acid mist emissions from the acid plant common stack shall not exceed 1.5×10^{-6} lb/dscf hourly average expressed as 100% H ₂ SO ₄ . In addition, sulfuric acid mist emissions from the stack shall not exceed 0.105 pounds per ton of sulfuric acid produced on an hourly average.	Determine compliance using the arithmetic average of three one-hour test runs conducted during annual performance testing. Performance tests shall be performed according to 40 CFR 60 Appendix A Method 8. <i>Directly Enforceable:</i> Daily sulfuric acid production on a facility-wide basis may be a suitable method to determine production rate of 100% H ₂ SO ₄ for each test run. <i>CAM:</i>
5.1.6 H ₂ SO ₄	40 CFR 60 Subpart H 60.83(a)(1) (10/6/75) and 60.85(a) & (b) (2/14/89) (CAM)	Sulfuric acid plant emissions shall not contain acid mist, expressed as H ₂ SO ₄ , in excess of 0.15 lb/ton of acid produced (production expressed as 100% H ₂ SO ₄). Acid mist means sulfuric acid mist, as measured by Method 8.	Install, calibrate, maintain, and operate differential pressure monitoring devices measuring the differential pressure across Abatement Unit 10 and 11 mist eliminator pads in accordance with manufacturer's specifications. Calibrate the differential pressure monitoring devices in accordance with manufacturer's specifications but no less frequently than once every 12 months. Calibration information shall be recorded. When the abatement unit is operating, measure and record the differential pressure of the associated mist eliminator pad daily in a written log, along with the date, time, and reader initials. A potential excursion is defined as two consecutive daily differential pressure readings below 0.2" H ₂ O for Abatement Unit 10 or 0.4" H ₂ O for Abatement Unit 11. Potential excursions trigger an inspection. If it is determined that the decreased differential pressure is due to a decrease in SPU operation, this is not an excursion but shall be noted in a log and daily qualitative visible emission observations of the Sulfuric Acid Plant stack shall commence. If there is no corresponding SPU operation decrease, this is an excursion which requires corrective action as soon as practicable and reporting. A visible emissions (VE) observation excursion is defined as a single daily qualitative reading where opacity is observed. A VE excursion triggers an inspection, corrective action as soon as practicable, and reporting. Daily VE observations will end for that abatement unit when the daily differential pressure reading rises above the designated threshold. While Method 9 certification is not required, staff conducting the VE observations shall be trained with respect to the general procedures for determining the presence of visible emissions. Staff shall be trained initially and have a refresher at least once every 12 months. Keep records of training. If the corrective action requires the unit be shut down, the issue shall be corrected during the next shutdown of the unit but no later than 90 days after the initial excursion. The date and a description of the corrective actions taken in response to each excursion shall be documented. Chemtrade may source test at any time and submit the results to NWCAA for approval to adjust the differential pressure thresholds in this term. Excursions and associated corrective actions will be reported in writing to NWCAA within 30 days after the end of the calendar month in which the excursion occurred.
5.1.7 H ₂ SO ₄	NWCAA 465.12 (4/14/93 State Only) (CAM)	Sulfuric acid mist emissions (including sulfur trioxide) from the sulfuric acid plant shall not exceed 0.15 lb/ton of sulfuric acid produced, expressed as 100% sulfuric acid.	

Sulfuric Acid Plant			
Term	Citation	Description	Monitoring, Recordkeeping, & Reporting
5.1.8 H ₂ SO ₄	40 CFR 60 Subpart H 60.83(a)(2) (10/6/75) and 60.85(a) & (b)(4) (2/14/89) (CAM)	Sulfuric acid plant tailgas emissions shall not exhibit 10% opacity or greater using Method 9.	<i>Directly Enforceable:</i> Monitor visible emissions in accordance with AOP Terms 4.12 through 4.16. <i>CAM:</i> Install, calibrate, maintain, and operate differential pressure monitoring devices measuring the differential pressure across Abatement Unit 10 and 11 mist eliminator pads in accordance with manufacturer's specifications. Calibrate the differential pressure monitoring devices in accordance with manufacturer's specifications but no less frequently than once every 12 months. Calibration information shall be recorded. When the abatement unit is operating, measure and record the differential pressure of the associated mist eliminator pad daily in a written log, along with date, time, and reader initials.
5.1.9 H ₂ SO ₄	OAC 458d Condition (2) (6/25/15) (CAM)	Visible emissions from the acid plant common stack shall not exceed an average of ten percent opacity in any consecutive six-minute period as determined by 40 CFR 60 Appendix A Method 9.	A potential excursion is defined as two consecutive daily differential pressure readings below 0.2" H ₂ O for Abatement Unit 10 or 0.4" H ₂ O for Abatement Unit 11. Potential excursions trigger an inspection. If it is determined that the decreased differential pressure is due to a decrease in SPU operation, this is not an excursion but shall be noted in a log and daily qualitative visible emission observations of the Sulfuric Acid Plant stack shall commence. If there is no corresponding SPU operation decrease, this is an excursion which requires corrective action as soon as practicable and reporting.
5.1.10 H ₂ SO ₄	PSD 94-01 Amendment 1 Condition 2 (1/14/98) (CAM)	Opacity from the acid plant common stack shall not exceed 10 percent for more than six minutes in any one-hour period as measured by EPA Method 9.	A visible emissions (VE) observation excursion is defined as a single daily qualitative reading where opacity is observed. A VE excursion triggers an inspection, corrective action as soon as practicable, and reporting. Daily VE observations will end for that abatement unit when the daily differential pressure reading rises above the designated threshold.
5.1.11 H ₂ SO ₄	NWCAA 465.13 (4/14/93 State Only) (CAM)	Visible emissions from the sulfuric acid plant shall not exceed 10% opacity or greater for three minutes.	While Method 9 certification is not required, staff conducting the VE observations shall be trained with respect to the general procedures for determining the presence of visible emissions. Staff shall be trained initially and have a refresher at least once every 12 months. Keep records of training.
5.1.12 Opacity	NWCAA 451.1 (10/13/94) NWCAA 451.1 (11/8/07 State Only)	<u>Emission of Air Contaminant - Visual Standard</u> No person shall cause or permit the emission, for any period aggregating more than 3 minutes in any 1 hour, of an air contaminant from any source which, at the point at emission, or within a reasonable distance of the point of emission, exceeds 20% opacity (Ecology Method 9A) except: When there is valid data to show that the opacity is in excess of 20% as a result of the presence of condensed water droplets, and that the concentration of the particulate matter, as shown by a source test approved by the Control Officer, is less than 0.10 (0.23 g/m ³) grain/dscf.	If the corrective action requires the unit be shut down, the issue shall be corrected during the next shutdown of the unit but no later than 90 days after the initial excursion. The date and a description of the corrective actions taken in response to each excursion shall be documented.
5.1.13 Opacity	WAC 173-400-040(1) (9/20/93) WAC 173-400-040(2) (9/16/18 State Only)	<u>Visible Emissions</u> No person shall cause or allow the emission for more than 3 minutes, in any 1 hour, of an air contaminant from any emissions unit which at the emission point, or within a reasonable distance of the emission point, exceeds 20% opacity (Ecology Method 9A) except: When the owner or operator of a source supplies valid data to show that the presence of uncombined water is the only reason for the opacity to exceed 20%.	Chemtrade may source test at any time and submit the results to NWCAA for approval to adjust the differential pressure thresholds in this term. Excursions and associated corrective actions will be reported in writing to NWCAA within 30 days after the end of the calendar month in which the excursion occurred.

Sulfuric Acid Plant			
Term	Citation	Description	Monitoring, Recordkeeping, & Reporting
SPU3 Startup Heater			
5.1.14 General	OAC 880c Condition (1) (6/25/15)	The startup heater shall not operate for more than 1,000 hours in any 12-month period.	Records documenting operation time shall be updated at least monthly and include the date of operation and total hours of operation on each calendar day the unit is run. Operation records shall be kept on-site and available for review by NWCAA.
5.1.15 Opacity	OAC 880c Condition (2) (6/25/15)	Visible emissions from the startup heater stack shall not exceed an average of ten percent opacity in any consecutive six minute period as determined by 40 CFR 60 Appendix A Method 9.	<i>Directly Enforceable:</i> Monitor visible emissions in accordance with AOP Terms 4.12 through 4.16.

5.2 Sulfur Recovery Unit (SRU)

Sulfur Recovery Unit (SRU)			
Term	Citation	Description	Monitoring, Recordkeeping, & Reporting
Note: 40 CFR 60 and 63 General Provisions included in AOP Section 3 apply to this affected facility			
5.2.1 Opacity	OAC 650d Condition (8) (6/25/15)	Visible emissions from the incinerator stack shall not exceed an average of ten percent opacity in any consecutive 6-minute period as determined by 40 CFR 60 Appendix A Method 9.	<i>Directly Enforceable:</i> Monitor visible emissions in accordance with AOP Terms 4.12 through 4.16.
5.2.2 SO ₂	OAC 650d Condition (7) (6/25/15)	The sulfur dioxide (SO ₂) emissions from the SRU shall not exceed 40 tons during any consecutive 12-month period.	<i>Directly Enforceable:</i> Determine compliance using the 1-hour average SO ₂ CEMS concentration data under AOP Term 5.2.5 multiplied by an average stack flow for the most recent 12 passing performance tests under AOP Term 5.2.3 summed over the 12-month period.
5.2.3 SO ₂	OAC 650d Conditions (2) & (6) (6/25/15)	Emissions of SO ₂ from the SRU shall not exceed 9.2 pounds per hour SO ₂ on a one-hour basis.	Determine compliance using the average of three 1-hour test runs conducted during annual performance tests performed within 12 months of the previous test. Performance tests shall be conducted according to EPA Methods 1, 2, 3A, 4, and 6 and NWCAA Section 367 and NWCAA Appendix A. Testing shall be conducted while operating at a minimum production rate of 25 tons per day (100% H ₂ S basis).

Sulfur Recovery Unit (SRU)			
Term	Citation	Description	Monitoring, Recordkeeping, & Reporting
5.2.4 SO ₂	40 CFR 60 Subpart J 60.104(a)(2)(i) (6/24/08), 60.105(a)(5) & (e)(4)(i) (12/1/15); and 60.107(d) (6/24/08) 40 CFR 63 Subpart UUU 63.1568(a)(1) (7/13/16), Table 29 Line 1a (12/1/15), (a)(2) (7/13/16), Table 30 Lines 1 & 6 (12/1/15), (a)(4) (7/13/16), (b)(1) (7/13/16), Table 31 Lines 1a & 5 (12/1/15), (c)(1) (7/13/16), Table 34 Line 1a (12/1/15), and Table 35 Lines 1, 5a, & 5b (12/1/15); 63.1570(a) & (c) (12/1/15); 63.1572(a) (12/26/18), Table 40 Lines 5 & 9 (12/1/15), (c) (12/26/18), Table 41 Lines 9 & 10 (12/1/15), & (d) (12/26/18); and 63.1576(d), (f), (g), (h), & (i) (12/26/18)	<u>Sulfur Recovery Units – SO₂</u> <u>Sulfur Recovery Units – HAP Emissions</u> SO ₂ from the sulfur recovery unit shall not exceed 250 ppmvd at 0% excess air based on 12-hour rolling average at all times including startup and shutdown. Alternatively, startup and shutdown purge gases may be sent to a thermal oxidizer or incinerator operated at a minimum hourly average temperature of 1,200 degrees Fahrenheit in the firebox and a minimum hourly average outlet oxygen (O ₂) concentration of 2 volume percent (dry basis).	Install, operate, and maintain a continuous monitoring system to measure SO ₂ emissions and O ₂ for correcting the data for excess air. Collect hourly average SO ₂ (dry basis) and percent excess air data; determine and record each 12-hour rolling average concentration of SO ₂ . Install, operate, and maintain a continuous parameter monitoring systems to measure and record the firebox temperature of each thermal incinerator or oxidizer and the oxygen content (percent, dry basis) in the exhaust vent from the incinerator or oxidizer. The SO ₂ CEMS and O ₂ monitor shall be installed, operated, and maintained in accordance with 40 CFR 60 Appendix B Performance Specification 2 using a span value of 500 ppm SO ₂ and 25% O ₂ and 40 CFR 60 Appendix F Procedure 1. The monitoring system shall be certified using 40 CFR 60 Appendix A Methods 6 or 6C and 3A or 3B. Relative accuracy audits are required annually instead of quarterly. Except for monitoring malfunctions, associated repairs, and required quality assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), conduct all monitoring in continuous operation at all times the source is operating. For any periods for which sulfur dioxide or oxides emissions data are not available, submit a signed statement indicating if any changes were made in operation of the emission control system during the period of data unavailability.

Sulfur Recovery Unit (SRU)			
Term	Citation	Description	Monitoring, Recordkeeping, & Reporting
5.2.5 SO ₂	OAC 650d Conditions (1), (5), & (6) (6/25/15)	Emissions of sulfur dioxide (SO ₂) from the incinerator stack shall not exceed 250 ppm by volume (dry basis) at zero percent excess air, for any 12-hour period (measured as 12-hour rolling average).	Determine compliance using a certified continuous emission monitoring system (CEMS) for SO ₂ and O ₂ . The CEMS shall be installed, calibrated, maintained, and operated in accordance with 40 CFR 60.105, the appropriate specifications of 40 CFR 60 Appendices B and F, NWCAA Section 367 and NWCAA Appendix A. Also, determine compliance using the average of three 1-hour test runs conducted during annual performance tests performed within 12 months of the previous test. Performance tests shall be conducted according to EPA Methods 1, 2, 3A, 4, and 6 and NWCAA Section 367 and NWCAA Appendix A. Testing shall be conducted while operating at a minimum production rate of 25 tons per day (100% H ₂ S basis).
5.2.6 H ₂ SO ₄	OAC 650d Conditions (3) & (6) (6/25/15)	Emissions of sulfuric acid mist from the SRU shall not exceed 0.45 pounds acid per ton of sulfur produced on an hourly average.	Determine compliance using the average of three 1-hour test runs conducted during annual performance tests performed within 12 months of the previous test. Performance tests shall be conducted according to EPA Methods 1, 2, 3A, 4, and 8 and NWCAA Section 367 and NWCAA Appendix A. Testing shall be conducted while operating at a minimum production rate of 25 tons per day (100% H ₂ S basis).
5.2.7 HAP	40 CFR 63 Subpart UUU 63.1569(a)(1)(ii) (11/26/18), Table 36 Line 2 (2/9/05), (c)(1) (11/26/18), & Table 39 Lines 2 & 5 (2/9/05); and 63.1576(d), (g), (h), & (i) (11/26/18)	<u>Sulfur Recovery Unit Bypass Lines – HAP Emissions</u> Install a car-seal or lock-and-key device placed on the mechanism by which the bypass device flow position is controlled (e.g., valve handle, damper level) when the bypass device is in the closed position such that the bypass line valve cannot be opened without breaking the seal or removing the device.	Visually inspect the seal or closure mechanism at least once every month; and record whether the bypass line valve is maintained in the closed position and whether flow is present in the line. Record and report the time and duration of any bypass.

Sulfur Recovery Unit (SRU)			
Term	Citation	Description	Monitoring, Recordkeeping, & Reporting
5.2.8 General	OAC 650d Conditions (4) & (6) (6/25/15)	<p>The SRU sulfur recovery efficiency shall not be less than 99 percent. The sulfur recovery efficiency shall be calculated as follows:</p> $e = \frac{S_{recovered} \times 100}{S_{recovered} + S_{incinerator}}$ <p>Where: <i>e</i> = sulfur recovery efficiency, % <i>S_{recovered}</i> = elemental sulfur in pit, lb/hr <i>S_{incinerator}</i> = sulfur in incinerator stack, lb/hr</p>	Determine compliance using the average of three 1-hour test runs conducted during annual performance tests performed within 12 months of the previous test. Performance tests shall be conducted according to EPA Methods 1, 2, 3A, 4, 6, and 8 and NWCAA Section 367 and NWCAA Appendix A. Testing shall be conducted while operating at a minimum production rate of 25 tons per day (100% H ₂ S basis).
Fugitive Components in VOC service			
Note: 40 CFR 60 General Provisions included in AOP Section 3 apply to this affected facility			
5.2.9 VOC	40 CFR 60 Subpart GGG 60.590-60.593 (6/2/08, 11/16/07) → 40 CFR 60 Subpart VV 60.482-8 (11/16/07), 60.485(a) & (b) (11/16/07); and 60.486(a), (b), (c) & (e) (11/16/07)	<p><u>Pumps and Valves in Heavy Liquid Service, Pressure Relief Devices in Light Liquid or Heavy Liquid Service, and Connectors</u></p> <p>If evidence of a potential leak is found by visual, audible, olfactory, or any other detection method, within 5 days, either monitor using EPA Method 21 or eliminate the visual, audible, olfactory, or other indication of potential leak.</p> <p>If an instrument reading of 10,000 ppm or greater is measured, a leak is detected, except for units with a leak definition of 2,000 ppm.</p> <p>When a leak is detected, it shall be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided under delay of repair in AOP Term 5.2.10. A first attempt at repair shall be made no later than 5 calendar days after each leak is detected.</p>	<p>Instrument monitor using EPA Method 21 as indicated. The instrument used to monitor leaks shall be calibrated before use each day of use. The following calibration gases shall be used: Zero air (less than 10 ppm of hydrocarbon in air); and a mixture of methane or n-hexane and air at a concentration of about, but not less than, 10,000 ppm methane or n-hexane.</p> <p>When a leak is detected, comply with AOP Term 5.2.11.</p> <p>Record in a log in a readily accessible location the information required in 60.486(e).</p>

Sulfur Recovery Unit (SRU)			
Term	Citation	Description	Monitoring, Recordkeeping, & Reporting
5.2.10 VOC	40 CFR 60 Subpart GGG 60.590-60.593 (6/2/08, 11/16/07) → 40 CFR 60 Subpart VV 60.482-9 (11/16/07); 60.486(a) & (c) (11/16/07); and 60.487(a) & (c) (11/16/07)	<p><u>Delay of Repair</u></p> <p>Delay of repair of equipment for which leaks have been detected will be allowed if repair within 15 days is technically infeasible without a process unit shutdown. Repair shall occur before the end of the next process unit shutdown. Monitoring to verify repair must occur within 15 days after startup of the process unit. Delay is also allowed for equipment isolated from the process and which does not remain in VOC service.</p> <p>Valves: Delay of repair will be allowed if (1) it is demonstrated that purged material resulting from immediate repair are greater than the fugitive emissions likely to result from delay of repair, and (2) when repair procedures are effected, the purged material is collected and destroyed or recovered in a control device. Delay of repair beyond a process unit shutdown will be allowed if valve assembly replacement is necessary during the process unit shutdown, valve assembly supplies have been depleted, and supplies had been sufficiently stocked before they were depleted. Delay of repair beyond the next process unit shutdown will not be allowed unless the next process unit shutdown occurs sooner than 6 months after the first process unit shutdown.</p> <p>Pumps: Delay of repair will be allowed if (1) repair requires the use of a dual mechanical seal system that includes a barrier fluid system, and (2) repair is completed as soon as practicable, but not later than 6 months after the leak was detected.</p> <p>A leaking valve or pump may be considered to be repaired and no longer subject to delay of repair requirements if two consecutive monthly instrument readings are below the leak definition.</p>	<p>When each leak is detected and a delay of repair is utilized, record in a log in a readily accessible location: "repair delayed" and the reason for the delay if a leak is not repaired within 15 calendar days after discovery, the signature of the person whose decision it was that repair could not be effected without a process shutdown, the expected date of successful repair of the leak if a leak is not repaired within 15 days, dates of process unit shutdowns that occur while the equipment is unrepaired, and date of successful repair of the leak.</p> <p>Submit a semiannual report as required in AOP Term 5.2.12.</p>

Sulfur Recovery Unit (SRU)			
Term	Citation	Description	Monitoring, Recordkeeping, & Reporting
5.2.11 VOC	40 CFR 60 Subpart GGG 60.590-60.593 (6/2/08, 11/16/07) → 40 CFR 60 Subpart VV 60.486(a), (b) & (c) (11/16/07)	<u>Maintain Records for Equipment Found Leaking</u> When each leak is detected, attach a weatherproof and readily visible identification, marked with the equipment identification number to the leaking equipment. The identification on a valve may be removed after it has been monitored for 2 successive months and no leak has been detected. Identification on equipment except valves may be removed after it has been repaired.	When each leak is detected, record in a log in a readily accessible location: the instrument and operator identification numbers and equipment identification number, date of leak detection and each attempt at repair, repair methods applied for each attempt, instrument leak reading, and date of successful repair of leak.
5.2.12 VOC	40 CFR 60 Subpart GGG 60.590-60.593 (6/2/08, 11/16/07) → 40 CFR 60 Subpart VV 60.487(a) & (c) (11/16/07)	<u>Semiannual Report</u> Submit semiannual reports to the NWCAA beginning 6 months after the initial startup date.	The semiannual reports shall include the following information: (1) Process unit identification. (2) For each month during the semiannual reporting period, the facts that explain each delay of repair and, where appropriate, why a process unit shutdown was technically infeasible. (3) Dates of process unit shutdowns which occurred within the semiannual reporting period. (4) Revisions to items in the initial semiannual report if changes have occurred since the initial report or subsequent revisions to the initial report.
SRU Auxiliary Boiler			
Note: 40 CFR 63 General Provisions included in AOP Section 3 apply to this affected facility			
5.2.13 HAP	40 CFR 63 Subpart DDDDD 63.7500(a), (e), Table 3 Line 1, & (f); 63.7505(a); 63.7510(e); 63.7515(d) & (g); 63.7530(f); 63.7540(a) & (b); 63.7545(a) (b), & (e); 63.7550(a), (b), Table 9, (c), & (h)(3); 63.7555(a) (11/20/15)	<u>Boilers & Process Heaters</u> Conduct a tune-up of the boiler or process heater every 5 years. Tune-ups shall be conducted no more than 61 months after the previous tune-up. The inspection shall include: inspect the burner, clean and replace components as necessary; inspect the flame pattern, adjust as necessary; inspect air-to-fuel ratio system control, as applicable, to ensure it is correctly calibrated and functioning properly; optimize total emissions of CO; measure CO concentrations before and after adjustments are made; and maintain on-site an annual report including the items in 63.7540(a)(10)(vi).	Submit a compliance report every five calendar years. Reports are due, in accordance with AOP Term 4.1, 30 days after the close of the period that the reports cover. If available, the compliance reports shall be submitted electronically via CEDRI (www.epa.gov/cdx). The compliance report shall include, among other things (see 63.7550(c)), the date of the most recent tune-up and burner inspection; if applicable, a statement that no deviations occurred; and be certified by the Responsible Official.

5.3 Gasoline Dispensing Facility (GDF)

Gasoline Dispensing Facility (GDF)			
Term	Citation	Description	Monitoring, Recordkeeping, & Reporting
Note: 40 CFR 63 General Provisions included in AOP Section 3 apply to this affected facility			
5.3.1 VOC	NWCAA 580.6(E) (9/13/18)	All gasoline storage tanks at gasoline dispensing facilities shall be maintained in a vapor-tight condition and in good working order. This includes, but is not limited to, caps, adaptors, and drain valves.	<i>Directly Enforceable:</i> At each gasoline delivery, inspect to make sure fill and recovery caps are on, PV cap is not damaged, poppet is operating properly, dispensing hoses are not cracked or excessively worn, and no visual leaks are occurring.
5.3.2 VOC	WAC 173-491-040(1)(c) (6/25/15)	<u>Fixed-roof Gasoline Storage Tanks</u> All openings not related to safety are to be sealed with suitable closures.	
5.3.3 HAP	40 CFR 63 Subpart CCCCC 63.11115 (1/24/11)	At all times, operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions.	Determination of whether such operation and maintenance procedures are being used will be based on information available to NWCAA which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.
5.3.4 HAP	40 CFR 63 Subpart CCCCC 63.11116 (1/24/11)	<u>GDF with Monthly Throughput Less Than 10,000 Gallons of Gasoline</u> Gasoline must not be handled in a manner that would result in vapor releases to the atmosphere for extended periods of time. Measures to be taken include, but are not limited to, the following: (1) Minimize gasoline spills; (2) Clean up spills as expeditiously as practicable; (3) Cover all open gasoline containers and all gasoline storage tank fill-pipes with a gasketed seal when not in use. Portable gasoline containers that meet the requirements of 40 CFR 59 Subpart F are considered acceptable; and (4) Minimize gasoline sent to open waste collection systems that collect and transport gasoline to reclamation and recycling devices, such as oil/water separators.	Records must be available within 24 hours of a request by NWCAA to document the gasoline throughput.

SECTION 6 INAPPLICABLE REQUIREMENTS

The regulations identified in this section do not apply to Chemtrade as of the date of permit issuance. The basis for each determination is specified in the Reason(s) for Inapplicability column.

Citation	Title or Applicability	Reason(s) for Inapplicability
NWCAA Regulation		
NWCAA Sections 320 – 321, 324.1	General Requirements for Registration	The registration requirements do not apply to sources or emission units subject to Air Operating Permits.
NWCAA Section 458	Incinerators – Wood Waste Burners	Facility does not have this source category.
NWCAA Section 460	Weight/Heat Standard-Emission of Sulfur Compounds	Facility is not a petroleum refinery under NWCAA regulation.
NWCAA Section 560	Storage of Organic Liquid	Facility does not have this source category.
NWCAA Section 580 (except 580.6 & 580.7)	Volatile Organic Compound Control	Facility does not have this source category.
State of Washington Regulations		
WAC 173-400-100 through -104	Registration	The registration requirements do not apply to sources or emission units subject to Air Operating Permits.
Chapter 173-434 WAC	Solid Waste Incineration	Facility does not have this source category.
Federal Regulations		
Standard of Performance for New Stationary Sources (NSPS)		
40 CFR 60 Subpart Cd	Emissions Guidelines and Compliance Times for Sulfuric Acid Production Units	Facility does not operate any of the designated facilities.
40 CFR 60 Subpart D	Standards of Performance for Fossil-Fuel-Fired Steam Generators	Facility does not operate any of the affected sources.
40 CFR 60 Subpart Da	Standards of Performance for Electric Utility Steam Generating Units	Facility does not operate any of the affected sources.
40 CFR 60 Subpart Db	Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units	Facility does not operate any of the affected sources.

Citation	Title or Applicability	Reason(s) for Inapplicability
40 CFR 60 Subpart Ja	Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007	Facility does not operate any of the affected sources that have been constructed, reconstructed, or modified after May 14, 2007.
40 CFR 60 Subpart K	Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978	Facility does not operate any of the affected sources. Spent acid does not qualify as a "petroleum liquid".
40 CFR 60 Subpart Ka	Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984	Facility does not operate any of the affected sources. Spent acid does not qualify as a "petroleum liquid".
40 CFR 60 Subpart Kb	Standards of Performance for Volatile Organic Liquid Storage Vessels for Which Construction, Reconstruction, or Modification Commenced After 7/23/84	Facility does not operate any of the affected sources.
40 CFR 60 Subpart GG	Standards of Performance for Stationary Gas Turbines	Facility does not operate any of the affected sources.
40 CFR 60 Subpart VV	Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemical Manufacturing Industry	Facility does not operate any of the affected sources.

Citation	Title or Applicability	Reason(s) for Inapplicability
40 CFR 60 Subpart GGGa	Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced After November 7, 2006	Facility does not operate any of the affected sources that have been constructed, reconstructed, or modified after November 7, 2006.
40 CFR 60 Subpart QQQ	Standards of Performance for VOC Emissions from Petroleum Refinery Wastewater Systems	Facility does not operate any of the affected sources.
40 CFR 60 Subpart IIII	Standards of Performance for Stationary Compression Ignition Internal Combustion Engines	Facility does not operate any subject stationary compression ignition internal combustion engines.
40 CFR 60 Subpart JJJJ	Standards of Performance for Stationary Spark Ignition Internal Combustion Engines	Facility does not operate any subject stationary spark ignition internal combustion engines.
National Emission Standards for Hazardous Air Pollutants (NESHAPs)		
40 CFR 61 Subpart FF	National Emission Standard for Benzene Waste Operations	Facility does not handle or process oil or hydrocarbon that contains benzene.
40 CFR 63 Subpart Q	Industrial Process Cooling Towers	Did not use chromium-based treatment chemicals as of the specified date.
40 CFR 63 Subpart CC	National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries	Facility does not maintain any process streams in HAP service.
40 CFR 63 Subpart ZZZZ	National Emission Standards for Hazardous Air Pollutants: Reciprocating Internal Combustion Engines	Facility does not operate any subject stationary reciprocating internal combustion engines.