

Air Operating Permit *-FINAL-*

Chemco, Inc.

Ferndale, Washington

May 25, 2021



Serving Island, Skagit & Whatcom Counties

PERMIT INFORMATION
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Expires: May 25, 2026

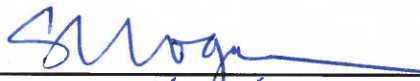
Renewal Application Due: May 25, 2025

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.

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

Northwest Clean Air Agency Approval:


Date: 5/25/2021
Shannon Logan, P.G.
Air Quality Scientist


Date: 5/25/2021
Agata McIntyre, P.E.
Engineering Manager

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SECTION 1 EMISSION UNIT DESCRIPTIONS

This table lists emission units and activities included in the AOP that are located at Chemco Inc., hereinafter referred to as Chemco, the facility. The information presented here in Section 1 is for informational purposes only.

Table 1-1 Emission Units

Emission Unit	Process Name	Emission Control Device	Process Description
EU - 1	Chemical Batch Plant	Wet scrubber	Batch reactor for production of fire retardant resins (SIC 2899). T-101 Formaldehyde/Methanol – 12,000 gal; TVP 0.77 psia Fugitive emissions from regulated equipment components.
EU - 2	Boiler	FGR	12.248 MMBtu/hr capacity natural gas-fired, with flue gas recirculation (FGR) and low-NOx burner
EU - 3	Drying Kilns (5)	None	Kilns 1 and 2: each 250,000 board feet (bf) capacity Kilns 3 and 4: each 30,000-50,000 bf capacity, depending on charge lumber dimensions Test Kiln: 1,000 bf
EU - 4	Emergency Generator	None	100 kW (134 Bhp) diesel-fired emergency power generator
EU - 5	Storage Tanks	None	T-102 Aqueous Solution – 12,000 gal; TVP 0.08 psia T-105 Concentrated Fire Retardant Solution – 5,000 gal; TVP 0.0025 psia

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". In accordance with WAC 173-401-625(2), a requirement designated "State Only" is enforceable only by 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 May 14, 2020.

The requirements listed below the "Directly Enforceable" label are legally enforceable requirements added under NWCAA's gap-filling authority in WAC 173-401-615(1)(b) & (c) (10/17/2002). 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.

2.1 Compliance Requirements

2.1.1 Duty to Comply

2.1.1.1 WAC 173-401-620(2)(a) (11/4/1993)

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 (11/17/2011)

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) (3/20/1993), WAC 173-400-240 (3/22/1991), NWCAA Section 131 (3/14/2013), NWCAA Sections 132 & 133 (8/13/2015), 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 WAC 173-400-250 (9/20/1993) and NWCAA 133.2 (8/13/2015)

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) (11/4/1993)

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) (11/4/1993)

The permittee shall furnish to the permitting authority, within a reasonable time, any information that the permitting authority 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 permitting authority 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 administrator along with a claim of confidentiality. The permitting authority shall maintain confidentiality of such information in accordance with RCW 70.94.205.

2.1.5 Confidential Information

NWCAA Section 114 (11/8/2007)

Whenever any records or other information other than ambient air quality data or emission data furnished to or obtained by the Agency, relates to processes or production unique to the owner or operator, or are likely to affect adversely the competitive position of such owner or operator if released to the public or to a competitor, and the owner or operator of such processes or production so certifies, such records or information shall be only for the confidential use of the NWCAA.

Nothing herein shall be construed to prevent the use of records or information by the NWCAA in compiling or publishing analyses or summaries relating to the general condition of the outdoor atmosphere: provided, that such analyses or summaries do not reveal any information otherwise confidential under the provisions of this section: provided further, that emission data furnished to or obtained by the Board shall be correlated with applicable emission limitations and other control measures and shall be available for public inspection during normal business hours at the office of the NWCAA.

2.1.6 Inspection and Entry

WAC 173-400-105(3) (9/20/1993), WAC 173-401-630(2) (3/5/2016), NWCAA Sections 110 & 111 (7/14/2005)
State Only: WAC 173-400-105(3) (11/25/2018)

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

- (i) Enter upon the permittee's premises where a chapter 401 source is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
- (ii) Have access to and copy, at reasonable times, any records that must be kept under the condition of the permit;
- (iii) Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
- (iv) Sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

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

2.1.7 Investigation and Studies

NWCAA Section 110 (7/14/2005)

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) (9/20/1993)

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) (11/25/2018)

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 2.1.8.1.

2.1.8.3 State Only: NWCAA Section 367 and Appendix A (7/14/2005)

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

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

2.1.9 Testing and Sampling

2.1.9.1 NWCAA 360.1 (2/14/1973)

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 Section 367 and Appendix A (7/14/2005)

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 (2/8/1989)

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 Section 367 and Appendix A (7/14/2005)

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), 40 CFR 52.12, and 40 CFR 52.33 (2/24/1997)

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 (11/4/1993) and WAC 173-401-710 (10/17/2002)

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) (11/4/1993)

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) (11/4/1993)

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

WAC 173-400-131 (4/1/2011), WAC 173-400-136 (12/29/2012)

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) (11/4/1993)

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) (11/4/1993), WAC 173-401-735 (5/3/1997)

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) (11/4/1993)

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 (11/4/1993)

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 (10/17/2002), WAC 173-401-724 (3/5/2016)

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 (11/4/1993), WAC 173-401-725 (11/4/1993)

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) (11/4/1993)

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

2.2.12 Definitions

NWCAA Section 200 (4/11/2019)

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.

2.2.13 Compliance Schedule

WAC 173-401-630(3) (3/5/2016), WAC 173-401-510(2)(h)(iii) (3/5/2016)

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) (11/4/1993)

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 (11/17/2011)

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 Section 325 (2/14/1973)

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 Section 325 (11/8/2007)

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 Section 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) (11/4/1993)

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) (11/4/1993)

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) (11/4/1993)

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) (11/4/1993)

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 (3/22/1991)

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) (9/16/2018)

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 Section 309 (10/8/2015)

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 Section 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 (11/4/1993)

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) (3/5/2016)

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 (11/4/1993)

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

2.4.1.3 WAC 173-401-615 (10/17/2002) and -630 (3/5/2016) Directly enforceable under WAC 173-401-615(1)(b) & (c) (10/17/2002)

All required monitoring reports must be certified by a responsible official consistent with WAC 173-401-520. Where an applicable requirement requires reporting more frequently than once every six months, the responsible official's certification need only to be submitted once every six

months, covering all required reporting since the date of the last certification, provided that the certification specifically identifies all documents subject to the certification.

The semiannual certifications shall cover the calendar months of January through June, and July through December.

2.4.1.4 WAC 173-401-530(2)(d) (10/17/2002)

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 Section 112 (7/14/2005)

No person shall willfully make a false or misleading oral statement to the 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, registration certificate, 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.

2.4.3 Required Recordkeeping

2.4.3.1 WAC 173-401-615(2) (10/17/2002)

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

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

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

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

2.4.3.2 WAC 173-401-615 (10/17/2002) and -630 (3/5/2016)
Directly enforceable under WAC 173-401-615(1)(b) & (c) (10/17/2002)

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 Section 150 (9/8/1993), WAC 173-400-105(1) (9/20/1993)

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

- (i) The nature of the enterprise;
- (ii) A list of process materials which are potentially significant sources of emissions used in, and incidental to, its manufacturing processes, including any by-products and waste products;
- (iii) An estimated annual total production of wastes discharged into the air in units and contaminants designated by the NWCAA 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) (11/25/2018)

In addition to the requirements of 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 Section 150 (11/8/2007)

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 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) (3/1/2015)

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 (10/16/2016)

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 (3/1/2015)

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 (3/1/2015)

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

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

2.4.6 Reporting to Verify Emissions from Potential PSD Sources

State Only: WAC 173-400-720(4)(b)(iii) (7/1/2016)

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) (10/17/2002)

Directly enforceable under WAC 173-401-615(1)(b) & (c) (10/17/2002)

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

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

2.4.8 Report of Breakdown and Upset

2.4.8.1 NWCAA 340.1, 340.2 and 340.3 (10/13/1994)

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

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

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

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

2.4.8.2 State Only: NWCAA 340.1, 340.2 and 340.3 (11/8/2007)

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

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

In addition to the reporting requirements of the 10/13/94 version of NWCAA Section 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:

- (iii) Any control equipment is turned off, broken down or otherwise inoperative, and a notice of breakdown has not been filed under Section 340.1, or
- (iv) 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 Section 341 (9/8/1993)

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 Section 341 (7/14/2005)

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 Section 342 (9/8/1993)

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 Section 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 Section 342 (7/14/2005)

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 (9/20/1993) (State Only - 9/16/2018)

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 (11/8/2007) and 341.4 (7/14/2005)

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) (10/17/2002)

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) (3/22/1991)*
State Only: WAC 173-400-040(8) (9/16/2018)

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 Section 540 (1/8/1969)*

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 (3/22/1991)

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 (10/18/1990) and WAC 173-425-045 (1/3/1989), WAC 173-435-050(2) (1/3/1989) 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 (4/1/2011), NWCAA Section 502 (9/11/2014)*

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 Section 570 (9/11/2014)

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

2.7.4.2 40 CFR 61.145 (4/7/1993), 61.148 (11/20/1990) and 61.150 (9/18/2003)

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 (12/27/2017)

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 Section 124 (7/14/2005)

Any order, registration certificate, or other certificate obtained by the Regulations of the NWCAA shall be available on the premises designated on the order or certificate. 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) (11/25/2018)

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) (11/25/2018)

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 (12/3/2018)

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

2.7.11 Cutback Asphalt Paving

NWCAA 580.7 (4/14/1993)

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 (2/10/2005)

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, 303 (4/11/2019), 324.2 (10/13/1994), WAC 173-400-111 (7/1/2016), and -113 (12/29/2012)

A Notice of Construction application must be filed by the owner or operator, all fees paid, and an Order of Approval issued by the NWCAA prior to beginning actual construction of any new source or making any modification, except for those emissions units exempt under NWCAA 300.3 or 300.4, a temporary source operating under NWCAA 300.17, or an emissions unit covered under a General Order of Approval and operating in accordance with NWCAA 300.16.

2.8.1.2 State Only: WAC 173-460-010 through -030 (6/20/2009), -040 (12/23/2019), -050 through -071 (6/20/2009), -080 (12/23/2019), -090 and -100 (6/20/2009), -140 (9/18/1991), -150 (12/23/2019), and NWCAA 324.2 (9/11/2014)

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 Section 200, and "new source" shall include any "modification" to an existing "stationary source" as those terms are defined in NWCAA Section 200.

2.8.2 Nonroad Engines

State Only: NWCAA Section 304 (4/11/2019)

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 WAC 173-460.

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 (12/29/2012) and NWCAA 121.4 (3/14/2013)

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

NWCAA 300.13 (4/11/2019)

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)

WAC 173-400-117 (12/29/2012)

State Only: WAC 173-400-700 (4/1/2011), WAC 173-400-710, -720, -730 (7/1/2016), -740 (9/16/2018), -750 (12/29/2012)

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 (4/11/2019)

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.

2.8.7 Major Stationary Source and Major Modification in a Nonattainment Area

WAC 173-400-800 (4/1/2011), -810 (7/1/2016), -820 (12/29/2012), -830 (7/1/2016), -840 (7/1/2016), -850 (7/1/2016), and -860 (4/1/2011)

WAC 173-400-800 through 173-400-860 apply statewide except where a permitting authority has a permitting program for major stationary sources in a nonattainment area incorporated into the Washington state implementation plan as replacement for these sections.

These requirements apply to any new major stationary source or major modification of an existing major stationary source located in a designated nonattainment area that is major for the pollutant or pollutants for which the area is designated as not in attainment of one or more national ambient air quality standards.

2.9 Greenhouse Gas Regulation

State Only: WAC 173-401-200 (19) & (35) (3/5/2016)

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" (CO_{2e}) shall represent an amount of GHGs emitted, and shall be computed by multiplying the mass amount of emissions (tpy), for each of the six greenhouse gases in the pollutant GHGs, by the gas's associated global warming potential published at Table A-1 to subpart A of 40 CFR Part 98 - Global Warming Potentials, and summing the resultant value for each to compute a tpy CO_{2e}.

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

SECTION 3 STANDARD TERMS AND CONDITIONS FOR 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. The affected facilities, affected sources, and stationary sources subject to these requirements are identified in Section 5 of the permit. The conditions in this section do not apply generally to all emission units at the facility. Some requirements from the regulations cited in this section of the permit have been paraphrased for brevity. For all conditions in this section, the language of the cited regulation takes precedence over a paraphrased requirement.

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 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 May 14, 2020.

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) (4/25/1975) (as amended by Delegation Letter dated 8/5/2019 from Krishna Viswanathan, 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
Director, Air and Waste Management Division
1200 Sixth Avenue
Seattle, WA 98101-3140

3.1.2 Notification

40 CFR 60.7(a) (2/12/1999) (as amended by Delegation Letter dated 8/5/2019 from Krishna Viswanathan, 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) (2/12/1999)

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

3.1.4.1 40 CFR 60.7(c) and (d) (2/12/1999) (as amended by Delegation Letter dated 8/5/2019 from Krishna Viswanathan, 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) (2/12/1999)

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) (8/30/2016)

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:

- (i) Sampling ports adequate for test methods applicable to such facility.
- (ii) Safe sampling platform(s).
- (iii) Safe access to sampling platform(s).
- (iv) 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:

- (v) 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.
- (vi) 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.
- (vii) 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.
- (viii) 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.
- (ix) 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.
- (x) 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(g) (8/30/2016)

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) (10/17/2000)

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) (10/17/2000)

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 (3/8/1974)

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 (6/30/2016)

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 (10/17/2000)

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.

3.1.14 Deadlines for Importing or Installing Stationary Compression Ignition Internal Combustion Engines Produced in Previous Model Years for 40 CFR 60 Subpart IIII

40 CFR 60.4200(a)(4) and 60.4208(a), (b), (h), (i) (6/28/2011)

For owners and operators of stationary compression ignition (CI) internal combustion engines (ICE) that commenced construction after July 11, 2005, it is prohibited to import stationary CI ICE with a displacement of less than 30 liters per cylinder that do not meet the following requirements by the specified dates:

- (i) After December 31, 2008, owners and operators may not install stationary CI ICE (excluding fire pump engines) that do not meet the applicable requirements for 2007 model year engines.
- (ii) After December 31, 2009, owners and operators may not install stationary CI ICE with a maximum engine power of less than 19 kW (25 hp) (excluding fire pump engines) that do not meet the applicable requirements for 2008 model year engines.
- (iii) After December 31, 2014, owners and operators may not install non-emergency stationary CI ICE with a maximum engine power of greater than or equal to 19 kW (25 hp) and less than 56 kW (75 hp) that do not meet the applicable requirements for 2013 model year non-emergency engines.
- (iv) After December 31, 2013, owners and operators may not install non-emergency stationary CI ICE with a maximum engine power of greater than or equal to 56 kW (75 hp) and less than 130 kW (175 hp) that do not meet the applicable requirements for 2012 model year non-emergency engines.

- (v) After December 31, 2012, owners and operators may not install non-emergency stationary CI ICE with a maximum engine power of greater than or equal to 130 kW (175 hp), including those above 560 kW (750 hp), that do not meet the applicable requirements for 2011 model year non-emergency engines.
- (vi) After December 31, 2016, owners and operators may not install non-emergency stationary CI ICE with a maximum engine power of greater than or equal to 560 kW (750 hp) that do not meet the applicable requirements for 2015 model year non-emergency engines.
- (vii) After December 31, 2018, owners and operators may not install non-emergency stationary CI ICE with a maximum engine power greater than or equal to 600 kW (804 hp) and less than 2,000 kW (2,680 hp) and a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder that do not meet the applicable requirements for 2017 model year non-emergency engines.

The requirements of this section do not apply to stationary CI ICE that have been modified or reconstructed, and do not apply to engines that were removed from one existing location and reinstalled at a new location.

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

3.2.1 Prohibited Activities and Circumvention

40 CFR 63.4 (4/5/2002)

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) (4/5/2002)

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) (4/20/2006)

- (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 DDDDD (Boiler MACT)
40 CFR 63.7500(a)(3) (11/20/2015)

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 Startup, Shutdown, and Malfunction Plan

3.2.4.1 SSM Plans for Part 63 NESHAP Sources (except Subpart DDDDD)
40 CFR 63.6(e)(3) (4/20/2006)

- (i) The owner or operator of an affected source must develop a written startup, shutdown, and malfunction plan that describes, in detail, procedures for operating and maintaining the source during periods of startup, shutdown, and malfunction, a program of corrective action for malfunctioning process, air pollution control, and monitoring equipment used to comply with the relevant standard. This plan shall be developed by the source's compliance date for the relevant standard.
- (ii) When actions taken by the owner or operator during a startup or shutdown (and the startup or shutdown causes the source to exceed any applicable emission limitation in the relevant emission standards), or malfunction (including actions taken to correct a malfunction) are consistent with the procedures specified in the affected source's startup, shutdown, and malfunction plan, the owner or operator must keep records for that event which demonstrate that the procedures specified in the plan were followed. These records may take the form of a "checklist," or other effective form of recordkeeping that confirms conformance with the startup, shutdown, and malfunction plan and describes the actions taken for that event. In addition, the owner or operator must keep records of these events as specified in paragraph 63.10(b), including records of the occurrence and duration of each startup or shutdown (if the startup or shutdown causes the source to exceed any applicable emission limitation in the relevant emission standards), or malfunction of operation and each malfunction of the air pollution control and monitoring equipment. Furthermore, the owner or operator shall confirm that actions taken during the relevant reporting period during periods of startup, shutdown, and malfunction were consistent with the affected source's startup, shutdown and malfunction plan in the semiannual (or more frequent) startup, shutdown, and malfunction report required in §63.10(d)(5).
- (iii) If an action taken by the owner or operator during a startup, shutdown, or malfunction (including an action taken to correct a malfunction) is not consistent with the procedures specified in the affected source's startup, shutdown, and malfunction plan, and the source exceeds any applicable emission limitation in the relevant emission standard, then the owner or operator must record the actions taken for that event and must report such

actions within 2 working days after commencing actions inconsistent with the plan, followed by a letter within 7 working days after the end of the event, in accordance with §63.10(d)(5) (unless the owner or operator makes alternative reporting arrangements, in advance, with the Administrator).

- (iv) The owner or operator must maintain at the affected source a current SSMP and must make the plan available upon request for inspection and copying by the Administrator. In addition, if the SSMP is subsequently revised, the owner or operator must maintain at the affected source each previous (i.e., superseded) version of the SSMP, and must make each such previous version available for inspection and copying by the Administrator for a period of 5 years after revision of the plan. If at any time after adoption of a SSMP the affected source ceases operation or is otherwise no longer subject to the provisions of this part, the owner or operator must retain a copy of the most recent plan for 5 years from the date the source ceases operation or is no longer subject to this part and must make the plan available upon request for inspection and copying by the Administrator.
- (v) To satisfy the requirements of this section to develop a SSMP, the owner or operator may use the affected source's standard operating procedures (SOP) manual, or an Occupational Safety and Health Administrations (OSHA) or other plan, provided the alternative plans meet all the requirements of this section and are made available for inspection when requested by the Administrator.
- (vi) Based on the results of a determination made under paragraph 63.6(e)(1)(i) of this 40 CFR 63 Subpart, the Administrator may require than an owner or operator of an affected source make changes to the SSMP for that source. The Administrator may require reasonable revisions to a SSMP if the Administrator finds that the plan:
 - a) Does not address a startup, shutdown, or malfunction event that has occurred;
 - b) Fails to provide for the operation of the source (including associated air pollution control and monitoring equipment) during a startup, shutdown, or malfunction event in a manner consistent with safety and good air pollution control practices for minimizing emissions to the levels required by the relevant standards;
 - c) Does not provide adequate procedures for correcting malfunctioning process and/or air pollution control and monitoring equipment as quickly as practicable; or
 - d) Includes an event that does not meet the definition of startup, shutdown, or malfunction listed in 40 CFR 63.2.
- (vii) The owner or operator may periodically revise the startup, shutdown, and malfunction plan for the affected source as necessary to satisfy the requirements of this part or to reflect changes in equipment or procedures at the affected source. Unless the permitting authority provides otherwise, the owner or operator may make such revisions to the startup, shutdown, and malfunction plan without prior approval by the Administrator or the permitting authority. However, each such revision to a startup, shutdown, and malfunction plan must be reported in the semiannual report required by §63.10(d)(5). If the startup, shutdown, and malfunction plan fails to address or inadequately addresses an event that meets the characteristics of a malfunction but was not included in the startup, shutdown, and malfunction plan at the time the owner or operator developed the plan, the owner or operator must revise the startup, shutdown, and malfunction plan within 45 days after the event to include detailed procedures for operating and maintaining the source during similar malfunction events and a program of corrective action for similar malfunctions of process or air pollution control and monitoring equipment. In the event that the owner or operator makes any revision to the startup, shutdown, and malfunction plan which alters the scope of the activities at the source which are deemed to be a startup, shutdown, or malfunction, or otherwise modifies the applicability of any emission limit, work practice requirement, or other requirement in a

standard established under this part, the revised plan shall not take effect until after the owner or operator has provided a written notice describing the revision to the permitting authority.

3.2.5 Compliance With Nonopacity Emission Standards

3.2.5.1 Nonopacity emission standards for Part 63 NESHAP Sources (except Subpart DDDDD) 40 CFR 63.6(f)(1)(4/20/2006)

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.

3.2.6 Compliance With Opacity and Visible Emission Standards

Compliance with opacity and visible emission standards for Part 63 NESHAP Sources (except Subpart DDDDD) 40 CFR 63.6(h)(1) (4/20/2006)

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.

3.2.7 Extension of Compliance for Early Reductions and Other Reductions

40 CFR 63.6(i) (4/20/2006) and 63.9(c) (5/30/2003)

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).

3.2.8 Notification of Performance Tests

3.2.8.1 Notification of Performance Tests for Part 63 NESHAP Sources 40 CFR 63.7(b) (11/14/2018) and 63.9(e) (5/30/2003)

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.

3.2.9 Conduct of Performance Tests

Conduct of Performance Tests for Part 63 NESHAP Sources 40 CFR 63.7 (11/14/2018), and 63.7515(d) (1/31/2013)

If required to do performance testing by a relevant standard, the owner or operator of the affected source must perform such tests no more than 13 months after the previous test. 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:

- (i) Sampling ports adequate for test methods applicable to such facility.
- (ii) Safe sampling platform(s).
- (iii) Safe access to sampling platform(s).
- (iv) 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.

3.2.10 Address for Reports, Notifications and Submittals

40 CFR 63.9(a) (5/30/2003), 63.10(a) (4/20/2006), 63.12(c) (3/16/1994), 63.13 (8/23/2019), (as amended by Delegation Letter dated 8/5/2019 from Krishna Viswanathan, 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:

U.S. EPA Region 10
Director, Office of Air Quality
1200 Sixth Avenue (OAC-107)
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.

3.2.11 Notification

3.2.11.1 Notification Requirements for New or Reconstructed Part 63 NESHAP Sources 40 CFR 63.9(b)(4) (5/30/2003)

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.

3.2.12 Recordkeeping

Recordkeeping for Part 63 NESHAP Sources 40 CFR 63.10(b)(1) and (3) (4/20/2006), 63.7555(a) (1) and (2) (11/20/2015) and 63.7560 (11/20/2015)

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.

3.2.13 Startup, Shutdown, and Malfunction Recordkeeping and Reports

3.2.13.1 SSM Recordkeeping and Reports for Part 63 NESHAP Sources (except Subpart DDDDD) 40 CFR 63.10(b)(2) and (d)(5) (4/20/2006)

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;
- (ii) The occurrence and duration of each malfunction of operation (i.e. , process equipment) or the required air pollution control and monitoring equipment;
- (iii) All required maintenance performed on the air pollution control and monitoring equipment;
- (iv) All results of opacity and visible emission observations;
- (v) All documentation supporting initial notifications and notifications of compliance status under §63.9.

3.2.13.2 SSM Reports for 40 CFR 63 Subpart DDDDD (Boiler MACT) Affected Sources 40 CFR 63.7555(d)(7) and 63.7550(c)(5)(xiii) and (xviii) (11/20/2015)

The requirements for startup, shutdown and malfunction reports for Subpart DDDDD affected sources are the same as noted in AOP Term 3.3.17.1 above with the following exceptions:

- (i) Keep records of actions taken during periods of malfunction to minimize emission in accordance with the general duty to minimize emissions in §63.7500(a)(3), including corrective actions to restore the malfunctioning boiler or process heater, air pollution control, or monitoring equipment to its normal or usual manner of operation.
- (ii) Report all malfunctions that 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.
- (iii) Report each instance of startup and shutdown, including the information required to be monitored, collected, or recorded according to the requirements of §63.7555(d).

3.2.14 General Compliance Requirements for 40 CFR 63 Subpart DDDDD

40 CFR 63.7505 (11/20/2015) and 40 CFR 63.7540 (a) (11/20/2015)

Comply with the emission limits, work practice standards and operating limits in 40 CFR 63 Subpart DDDDD that apply at all times.

3.2.15 Notification of Compliance Status (NCS)

3.2.15.1 NCS for Part 63 NESHAPs Sources (except Subpart DDDDD) 40 CFR 63.9(h) (5/30/2003)

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:

- (i) the methods that were used to determine compliance;
- (ii) 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;
- (iii) the methods that will be used for determining continuing compliance, including a description of monitoring and reporting requirements and test methods;
- (iv) 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;
- (v) 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);
- (vi) 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,
- (vii) 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.

3.2.15.2 NCS for 40 CFR 63 Subpart DDDDD (Boiler MACT) Affected Sources
40 CFR 63.7545(a), (e), (e)(1), and (e)(6) (11/20/2015)

The requirements for Notifications of Compliance Status for Subpart DDDDD affected sources are the same as noted in 3.2.15.1 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)."

3.2.16 General Compliance Requirements for 40 CFR 63 Subpart ZZZZ

40 CFR 63.6605 (1/30/2013)

Comply with the emission limitations and operating limitations in 40 CFR 63 Subpart ZZZZ that apply at all times.

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. The general duty to minimize emissions does not require any further efforts to reduce emissions if levels required by this standard have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available 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.

SECTION 4 GENERALLY APPLICABLE REQUIREMENTS

The cited 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 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 May 14, 2020. All of the federal regulations listed in Section 4 have been adopted by reference in NWCAA 104.2, as amended May 14, 2020.

The "Description" column is a brief description of the applicable requirements for informational purposes only and is not enforceable. Periodic or continuous monitoring requirements (including testing) are specified in the "Monitoring, Recordkeeping and Reporting" column, which identifies monitoring, recordkeeping and reporting (MR&R) obligations the source must perform as required by 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)). Other requirements not labeled "*Directly Enforceable*" are brief descriptions of the regulatory requirements for information 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.

Table 4-1 Generally Applicable Requirements

Permit Term	Citation	Description	Monitoring, Recordkeeping, & Reporting
4.1 General	WAC 173-401-615(3) (11/4/1993) 40 CFR 60 Subpart A 60.19(c) (2/12/1999) 40 CFR 63 Subpart A 63.10(a)(5) (4/20/2006)	<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 when the reporting deadline is specified in a permit term including, but not necessarily limited to; Term 2.1.8.3- Source testing Term 2.4.1.1- Annual AOP certification Term 2.4.4.3- Annual emissions inventory Term 5.1.1.13 – Semiannual FFFF report – leaks Term 5.2.1 – Annual boiler tune-up
4.2 General	NWCAA Section 342 (9/8/1993) (7/14/2005 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.

Permit Term	Citation	Description	Monitoring, Recordkeeping, & Reporting
4.3 Opacity	NWCAA 451.1 (10/13/94); (11/8/07) State only WAC 173-400- 040(1) (9/20/93) WAC 173-400- 040(2) (4/1/11) State only OAC 1271 #2	<u>Visible Emissions</u> Opacity shall not exceed 0% for any period aggregating more than 3 minutes in any sixty-minute period.	<p><i>Directly enforceable</i> – Observe stacks, building vents, and openings at least quarterly while process equipment is operating.</p> <p>If, at any time, visible emissions are observed, take at least one of the following actions within 24 hours of observation:</p> <ul style="list-style-type: none"> • Take corrective action that returns opacity to a non-visible level as soon as practicable, • Shut the unit down until corrective action can be taken, or • A certified visible emission reader shall determine the opacity according to EPA Method 9 and daily thereafter until opacity is shown to be less than the applicable standard. If EPA Method 9* shows emissions in excess of an applicable standard, determine opacity according to Ecology Method 9A**. <p>If a certified visible emission reader is not available to read opacity within 24 hours of observed emissions, it shall be assumed the emissions exceed all applicable opacity standards. Report exceedance of the standard according to AOP Term 2.4.7.</p> <p>Record quarterly observations; including date and time of each observation, background conditions, and name of observer. If visible emissions are observed, record any related equipment or operational failure, the occurrence dates and times, and actions taken.</p> <p>Compliance with the MR&R of this permit term does not relieve the owner or operator of the source from the responsibility to maintain continuous compliance with all applicable opacity standards nor from the resulting liabilities for failure to comply.</p> <p>* 40 CFR 60 Appendix A Method 9 – Visual determination of the opacity of emissions from stationary sources</p> <p>** Washington Department of Ecology Source Test Method 9A – Visual determination of opacity for a three minute standard (revised July 12, 1990)</p>

Permit Term	Citation	Description	Monitoring, Recordkeeping, & Reporting
4.4 PM	NWCAA 455.1 (4/14/93); (5/11/95) State only	<u>Emission of Particulate Matter</u> Particulate emissions shall not exceed 0.10 grain/dscf (0.23 g/dry m ³) corrected to 7% oxygen, except emissions shall not exceed 0.05 grain/dscf (0.11 g/dry m ³) corrected to 7% oxygen from all gaseous and distillate fuel burning equipment (the definition of fuel burning equipment does not include internal combustion engines).	<i>Directly enforceable</i> – Comply with the MR&R of Term 4.3.
4.5 PM	WAC 173-400-060 (3/22/91); (2/10/05) State only	<u>Emission Standards for General Process Units</u> Particulate emissions shall not exceed 0.1 grain/dscf (0.23 g/dry m ³).	
4.6 PM	WAC 173-400-050(1) & (3) (3/22/91) WAC 173-400-050(1) & (3) (2/10/05 State only)	<u>Emission Standards for Combustion and Incineration Units</u> Particulate emissions from combustion units shall not exceed 0.1 grains/dscf (0.23 g/dry m ³) corrected to 7% oxygen.	
4.7 SO ₂	NWCAA 462 (4/14/92); (3/13/97) State only	<u>Emission of Sulfur Compounds</u> Emissions of sulfur compounds from any equipment shall not exceed 1,000 ppm (corrected to 7% O ₂) averaged over sixty consecutive minutes. This requirement is not violated if reasonable evidence is presented that concentrations will not exceed ambient standards and the permittee shows that no practical method of reducing concentration exists.	<i>Directly enforceable</i> – Combust only natural gas.
4.8 SO ₂	WAC 173-400-040(6) (9/20/93) The second paragraph of this citation is State only	Sulfur Dioxide Sulfur compounds calculated as sulfur dioxide shall not exceed 1000 ppm _{dv} corrected to 7% O ₂ averaged over a period of sixty-consecutive minutes.	

Permit Term	Citation	Description	Monitoring, Recordkeeping, & Reporting
4.9 Sulfur	NWCAA 520 (4/14/93); (5/9/96) State only	<u>Sulfur Compounds in Fuel</u> Sulfur content of fuel burned shall not exceed: #1 distillate - 0.3%; #2 distillate - 0.5%; other fuel oils - 2.0%; solid fuels - 2.0%; gaseous fuels - 50 gr/100 scf (412 ppm @ standard conditions)	
4.10 Nuisance	NWCAA 530 (3/09/00) State only	<u>General Nuisance</u> 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. An air contaminant is defined as "dust, fumes, mist, smoke, other particulate matter, vapor gas, odorous substance, or any combination thereof.	<i>Directly enforceable</i> - A written air contaminant complaint response plan will be maintained at the facility. Within one hour of receiving an air contaminant complaint from the NWCAA or the public, all possible sources of the nuisance emissions at the facility shall be checked for proper operation. Problems identified shall be repaired or corrected as soon as possible. If the problems identified cannot be repaired or corrected within four hours, action shall be taken to minimize emissions until repairs can be made and the NWCAA shall be notified within 12 hours with a description of the complaint and action being taken to resolve the problem. Maintain a record of investigation results, identification of any malfunctioning equipment or aberrant operation, and the date and time of repair or mitigation. These records shall be maintained for inspection. Receipt of a nuisance complaint in itself shall not necessarily be a violation.
4.11 Nuisance	WAC 173-400-040(5)	<u>Emission Detrimental to Persons or Property</u> Discharge of air contaminants detrimental to the health, safety, or welfare of any person, or that causes damage to property or business is prohibited.	
4.12 Odor	WAC 173-400-040(5) (4/1/11) State only	<u>Odors</u> The source may not generate odors which may unreasonably interfere with property use and must use recognized good practices and procedures to reduce odors to a reasonable minimum.	<i>Directly enforceable</i> - Comply with the MR&R in terms 4.10 and 4.11.

Permit Term	Citation	Description	Monitoring, Recordkeeping, & Reporting
4.13 Odor	NWCAA 535 (3/09/00) State only)	<p><u>Odor Control</u> Measures Appropriate practices and control equipment shall be installed and operated to reduce odor-bearing gasses emitted into the atmosphere to a reasonable minimum.</p> <p>Any person who shall cause the generation of any odor from any source which may reasonably interfere with any other owner's use and enjoyment of their property must use recognized best practices and control equipment to reduce these odors to a reasonable minimum.</p> <p>No person shall cause or permit the emission of 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> <p><u>Odors</u> Odors shall not be detected offsite in amounts considered a nuisance by NWCAA personnel.</p>	
4.14 Odor	OAC Condition 4 (9/19/88)		
4.15 Formaldehyde	OAC (9/15/81)	<u>Formaldehyde</u> Ground level concentration of formaldehyde shall not exceed 0.05 parts per million at the property line.	
4.16 PM	NWCAA 550 (4/14/93) (7/14/05) State only	<u>Preventing Particulate Matter from Becoming Airborne</u> Install and operate Best Available Control Technology to prevent the release of fugitive matter emissions. Offsite deposition of particulate matter is prohibited.	<p><i>Directly enforceable</i> –</p> <p>Chemco shall conduct a facility-wide inspection for fugitive dust and track-out at least once per calendar quarter.</p> <p>If, at any time, fugitive dust or track-out is observed, Chemco shall initiate corrective action as soon as possible, but no later than 24 hours of identification or the unit or activity shall be shut down until the problem can be corrected.</p> <p>Record quarterly inspections: including date and time of each inspection, results of the inspection, any corrective action taken. If corrective action is taken, include the date and time corrective action was taken.</p>
4.17 PM	WAC 173-400-040(2) (9/20/93) WAC 173-400-040(3) (4/1/11) State only	<u>Fallout</u> Offsite deposition of particulate matter, in sufficient quantity to interfere with the use and enjoyment of the property upon which it is deposited, is prohibited.	
4.18 PM	WAC 173-400-040(3)(a) (9/20/93) WAC 173-400-040(4)(a) (4/1/11) State only	<u>Fugitive Emissions for Attainment Area</u> Sources engaged in materials handling, construction, demolition, or other such activities shall take reasonable precautions to prevent release of fugitive emissions.	

Permit Term	Citation	Description	Monitoring, Recordkeeping, & Reporting
4.19 Dust	WAC 173-400-040(8)(a) (9/20/93) WAC 173-400-040(9)(a) (4/1/11) State only	<u>Fugitive Dust Sources</u> Sources shall take reasonable precautions to prevent the release of fugitive dust emissions.	
4.20 Reports	WAC 173-401-615(3) (10/17/02) State only	<u>Required Monitoring Report</u> Submit reports of any required monitoring to the NWCAA at least once every six months. All instances of deviations from permit requirements must be clearly identified in such reports. All reports must be certified by a responsible official consistent with Permit Term 2.4.1.2.	<i>Directly enforceable</i> – Unless specifically required otherwise by a permit term, 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 first period shall cover the time from permit issuance until the first month, quarter, six-month period, or year following permit issuance. Reports shall be submitted by the end of the month following the close of the period that the reports cover.

SECTION 5 SPECIFICALLY APPLICABLE REQUIREMENTS

The cited requirements in the "Citation" column and incorporated herein by reference are applicable to emission units specified in the header of the 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 May 14, 2020. All of the federal regulations listed in Section 5 have been adopted by reference in NWCAA 104.2, as amended May 14, 2020.

The "Description" column is a brief description of the applicable requirements for informational purposes only and is not enforceable. Periodic or continuous monitoring requirements, including testing, are specified in the "Monitoring, Recordkeeping and Reporting" (MR&R) column, which identifies MR&R obligations the source must perform as required by WAC 173-401-605(1) and 615(1) and (2) or the underlying requirement. MR&R obligations do not apply to insignificant emission units. The test method cited or any credible evidence may be used to determine compliance.

The requirements in the MR&R column labeled "Directly Enforceable" are legally enforceable requirements added under the NWCAA's "gap-filling" authority of WAC 173-401-615(1)(b) & (c), 10/17/02. Other requirements not labeled "Directly Enforceable" are brief descriptions of the regulatory requirements for information 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.

Table 5-1 Chemical Batch Plant (EU-1)

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.1.1	OAC 758 Condition 1 (04/09/2001)	Emissions from the fire retardant manufacturing reactor vessel shall be routed to a functioning condenser-wet scrubber system during all periods the system contains raw materials or product and is not sealed. Emissions from formaldehyde solution storage shall be routed to a functioning wet scrubber system during all periods of operation.	<i>Directly enforceable</i> - Comply with the MR&R of Terms 5.1.2 and 5.1.3

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.1.2	OAC 758 Condition 2 (04/09/2001)	The condenser and scrubber shall be constructed and operated in accordance with design specifications. The scrubber liquor shall be kept at least 15% below saturation concentration levels for formaldehyde and methanol.	Operation and maintenance manuals for the equipment shall be available to operators at all times and to the NWCAA during inspections. Recommended operating ranges and monitoring procedures shall be developed and incorporated in operation and maintenance manuals. <i>Directly enforceable below –</i> Maintain batch records demonstrating water use rates adequate to maintain scrubber liquor at least 15% below saturation concentration.
5.1.3	40 CFR 63 Subpart FFFF, §63.2480(a) & (b)(3) (7/14/2006) 40 CFR 63 Subpart UU, §63.1022(a), (b), & (f) & §63.1038 (6/29/1999) NWCAA 104.2 (5/14/2020)	<u>Requirements for MON equipment in organic service</u> Subpart FFFF - Table 6, comply with Subpart UU, for equipment that contains or contacts regulated material including pumps, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, instrumentation systems, and closed vent systems and control devices used to meet the requirements of this subpart. <u>Equipment identification:</u> Equipment subject to this subpart shall be identified - except connectors. The owner or operator of equipment in heavy liquid service shall comply with the requirements of either paragraph (1) or (2) of the MR&R, as provided in paragraph (3).	Identification of the equipment does not require physical tagging of the equipment. For example, the equipment may be identified on a plant site plan, in log entries, by designation of process unit or affected facility boundaries by some form of weatherproof identification, or by other appropriate methods. The identity, either by list, location (area or group), or other method, of equipment in regulated material service less than 300 hours per calendar year within a process unit or affected facilities subject to the provisions of this subpart shall be recorded. For equipment in heavy liquid service: (1) Retain information, data, and analyses used to determine that a piece of equipment is in heavy liquid service. (2) When requested by the Administrator, demonstrate that the piece of equipment or process is in heavy liquid service. (3) A determination or demonstration that a piece of equipment or process is in heavy liquid service shall include an analysis or demonstration that the process fluids do not meet the definition of "in light liquid service." Examples of information that could document this include, but are not limited to, records of chemicals purchased for the process, analyses of process stream composition, engineering calculations, or process knowledge.

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.1.4	<p>40 CFR 63 Subpart FFFF, §63.2480(a) (7/14/2006)</p> <p>40 CFR 63 Subpart UU, §63.1023 & §63.1024(f), §63.1038 (6/29/1999)</p> <p>NWCAA 104.2 (5/14/2020)</p>	<p><u>Instrument and sensory monitoring for leaks:</u></p> <p>Monitor regulated equipment when the equipment is in regulated material service or is in use with any other detectable material in accordance with 40 CFR Part 60 Appendix A Method 21.</p> <p>Instrument monitoring: Calibration gases shall be zero air (less than 10 parts per million of hydrocarbon in air); Mixtures of methane in air at a concentration no more than 2,000 parts per million greater than the leak definition concentration of the equipment monitored (except instruments allowing multiple calibration scales); lower scale shall be calibrated with a calibration gas that is no higher than 2,000 parts per million above the concentration specified as a leak, and the highest scale shall be calibrated with a calibration gas that is approximately equal to 10,000 parts per million. If only one scale on an instrument will be used during monitoring, the owner or operator need not calibrate the scales that will not be used during that day's monitoring.</p> <p>Calibration gas other than methane in air may be used if the instrument does not respond to methane.</p> <p>Sensory monitoring: Sensory monitoring consists of visual, audible, olfactory, or any other detection method used to determine a potential leak to the atmosphere.</p>	<p>When each leak is detected pursuant to the monitoring specified, a weatherproof and readily visible identification shall be attached to the leaking equipment.</p> <p>For each leak detected, the following information shall be recorded and maintained:</p> <ol style="list-style-type: none"> (1) The date of first attempt to repair the leak. (2) The date of successful repair of the leak. (3) Maximum instrument reading measured by Method 21 at the time the leak is successfully repaired or determined to be non-repairable. (4) "Repair delayed" and the reason for the delay if a leak is not repaired within fifteen (15) calendar days after discovery. (5) Dates of process unit or affected facility shutdowns that occur while the equipment is unrepaired.

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.1.5	<p>40 CFR 63 Subpart FFFF, §63.2480(a) (7/14/2006)</p> <p>40 CFR 63 Subpart UU, §63.1024(a), (c), (e) & (f) & §63.1038 (6/29/1999)</p> <p>NWCAA 104.2 (5/14/2020)</p>	<p><u>Equipment leak repair</u></p> <p>(a) <i>Leak repair schedule.</i> Repair each leak detected as soon as practical, but not later than fifteen (15) calendar days after it is detected, except as provided in paragraphs (d) and (e) of this section. A first attempt at repair as defined in this subpart shall be made no later than five (5) calendar days after the leak is detected.</p> <p>First attempt at repair for pumps includes, but is not limited to, tightening the packing gland nuts and/or ensuring that the seal flush is operating at design pressure and temperature.</p> <p>First attempt at repair for valves includes, but is not limited to, tightening the bonnet bolts, and/or replacing the bonnet bolts, and/or tightening the packing gland nuts, and/or injecting lubricant into the lubricated packing.</p> <p><u>Unsafe-to-repair - connectors.</u></p> <p>Any connector that is designated as an unsafe-to-repair connector is exempt from the requirements of §63.1027(d), and §63.1024(a).</p>	<p><i>Leak identification removal — (1) Valves and connectors in gas/vapor and light liquid service.</i> The leak identification on a valve in gas/vapor or light liquid service may be removed after it has been monitored as specified in §63.1025(d)(2), and no leak has been detected during that monitoring. The leak identification on a connector in gas/vapor or light liquid service may be removed after it has been monitored as specified in §63.1027(b)(3)(iv) and no leak has been detected during that monitoring.</p> <p>(2) <i>Other equipment.</i> The identification that has been placed, pursuant to §63.1023(e)(1), on equipment determined to have a leak, except for a valve or for a connector in gas/vapor or light liquid service that is subject to the provisions of §63.1027(b)(3)(iv), may be removed after it is repaired.</p> <p>Maintain records of any difficult or unsafe to monitor equipment.</p>

5.1.6	<p>40 CFR 63 Subpart FFFF, §63.2480(a) (7/14/2006)</p> <p>40 CFR 63 Subpart UU, §63.1024 (d) & (f) & §63.1038 (6/29/1999)</p> <p>NWCAA 104.2 (5/14/2020)</p>	<p><u>Delay of repair:</u> Delay of repair is allowed for any of the following conditions.</p> <p>(1) Delay of repair of equipment is allowed if repair within fifteen (15) days is technically infeasible without a process unit or affected facility shutdown. Repair of this equipment shall occur as soon as practical, but no later than the end of the next process unit or affected facility shutdown, except as provided in paragraph (5).</p> <p>(2) Delay of repair of equipment for which leaks have been detected is allowed for equipment that is isolated from the process and that does not remain in regulated material service.</p> <p>(3) Delay of repair for valves, connectors, and agitators is also allowed if:</p> <p>(i) Emissions of purged material resulting from immediate repair would be greater than the fugitive emissions likely to result from delay of repair, and</p> <p>(ii) Purged material is collected and destroyed, collected and routed to a fuel gas system or process, or recovered in a control device.</p> <p>(4) Delay of repair for pumps is allowed if:</p> <p>(i) Repair requires replacing the existing seal design with a new system that will provide better performance; and</p> <p>(ii) Repair is completed as soon as practical, but not later than six (6) months after the leak was detected.</p> <p>(5) Delay of repair of a leaking valve beyond a process shutdown is allowed if valve assembly replacement is necessary during the shutdown, and valve assembly supplies, even though sufficiently stocked, have been depleted. Delay of repair beyond the second shutdown is not allowed</p>	<p>Maintain a record of "Repair delayed" and the reason for the delay if a leak is not repaired within fifteen (15) calendar days after discovery.</p> <p>(i) Develop a written procedure that identifies the conditions that justify a delay of repair. The written procedures may be included as part of the startup, shutdown, and malfunction plan, as required by the referencing subpart for the source, or may be part of a separate document that is maintained at the plant site. In such cases, reasons for delay of repair may be documented by citing the relevant sections of the written procedure.</p> <p>(ii) If delay of repair was caused by depletion of stocked parts, there must be documentation that the spare parts were sufficiently stocked on-site before depletion and the reason for depletion.</p>
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Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.1.7	40 CFR 63 Subpart FFFF, §63.2480(a) (7/14/2006) 40 CFR 63 Subpart UU, §63.1025(e)(3) & §63.1038 (6/29/1999) NWCAA 104.2 (5/14/2020)	<p>unless the third shutdown occurs sooner than six (6) months after the first process unit or affected facility shutdown.</p> <p>Valves in gas and vapor service and in light liquid service standards</p> <p>The instrument reading that defines a leak is 500 ppm or greater.</p> <p>Monitor each valve once each quarter¹.</p> <p><u>After a leak has been repaired, the valve shall be monitored at least once within the first three (3) months after its repair. The monitoring required by this paragraph is in addition to the monitoring required to satisfy the definition of repaired and first attempt at repair.</u></p> <p><i>Unsafe-to-monitor or Difficult-to-monitor valves</i> shall be monitored according to the written plan specified in §63.1022(c)(4).</p>	<p>Monitor in accordance with term 5.2.4.</p> <p>The owner or operator shall keep a record of the monitoring schedule for each process unit.</p> <p>Calculate percentage of leaking valves for each monitoring period for each process unit or valve subgroup using the following equation:</p> $\%V_L = (V_L/V_T) \times 100 \quad [\text{Eq. 2}]$ <p>where:</p> <p>$\%V_L$ = Percent leaking valves.</p> <p>V_L = Number of valves found leaking, excluding non-repairable valves, as provided in paragraph (c)(3) of this section, and including those valves found leaking pursuant to paragraphs (d)(2)(iii)(A) and (d)(2)(iii)(B) of this section.</p> <p>V_T = The sum of the total number of valves monitored.</p> <p>Non-repairable valves shall be included in the calculation of percent leaking valves the first time the valve is identified as leaking and non-repairable. Otherwise, a number of non-repairable valves (identified and included in the percent leaking valves calculation in a previous period) up to a maximum of 1 percent of the total number of valves in regulated material service at a process unit or affected facility may be excluded from calculation of percent leaking valves for subsequent monitoring periods. If the number of non-repairable valves exceeds 1 percent of the total number of valves in regulated material service at a process unit or affected facility, the number of non-repairable valves exceeding 1 percent of the total number of valves in regulated material service shall be included in the calculation of percent leaking valves</p> <p>Maintain valve subgrouping records specified in § 63.1025(b)(4)(iv), if applicable.</p> <p>Maintain records of difficult or unsafe to monitor equipment.</p>

¹ 40 CFR 63.1025(e)(3) Chemco has fewer than 250 valves in regulated material service.

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.1.8	40 CFR 63 Subpart FFFF, §63.2480(a) & (b)(5) (7/14/2006) 40 CFR 63 Subpart UU, §63.1026 & §63.1038 (11/22/1999) NWCAA 104.2 (5/14/2020)	<p><u>Pumps in light liquid service standards</u></p> <p>Pumps shall be monitored monthly - The instrument reading that defines a leak is 10,000 ppm or greater.</p> <p>Each pump shall be checked by visual inspection each calendar week for indications of liquids dripping from the pump seal. If there are indications of liquids dripping from the pump seal at the time of the weekly inspection, the owner or operator shall either eliminate the visual indications of liquids dripping or monitor the pump -if the instrument reading indicates a leak, it shall be repaired.</p> <p>Calculate percentage of leaking pumps.</p> <p>Repair leaking pumps.</p> <p>Special Provisions in § 63.1026(e) apply - document per applicable requirements.</p>	<p>Monitor in accordance with term 5.2.4.</p> <p>The owner or operator shall document that the visual inspection was conducted and the date of the inspection.</p> <p>If, when calculated on a 6-month rolling average, at least the greater of either 10 percent of the pumps in a process unit or three pumps in a process unit leak, the owner or operator shall implement a quality improvement program for pumps that complies with the requirements of §63.1035.</p> <p>The number of pumps at a process unit or affected facility shall be the sum of all the pumps in regulated material service.</p> <p>Percent leaking pumps shall be determined by the following equation:</p> $\%P_L = \left((P_L - P_S) / (P_T - P_S) \right) \times 100 \quad [Eq. 3]$ <p>Where:</p> <p>%P_L = Percent leaking pumps</p> <p>P_L = Number of pumps found leaking as determined through monthly monitoring. Do not include results from inspection of unsafe-to-monitor pumps.</p> <p>P_S = Number of pumps leaking within one (1) month of start-up during the current monitoring period.</p> <p>P_T = Total pumps in regulated material service.</p>

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.1.9	<p>40 CFR 63 Subpart FFFF, §63.2480(a) & (b)(4) (7/14/2006)</p> <p>40 CFR 63 Subpart UU, §63.1029 & §63.1038 (11/22/1999)</p> <p>NWCAA 104.2 (5/14/2020)</p>	<p><u>Connectors in gas and vapor service standards & pumps, valves, connectors, and agitators in heavy liquid service; pressure relief devices in liquid service; and instrumentation systems standards</u></p> <p>The instrument reading that defines a leak is 10,000 ppm or greater for agitators, 2,000 ppm for or greater pumps (in heavy liquid service), and or greater 500 ppm for valves, pressure relief devices, and instrument systems.</p> <p>If evidence of a potential leak to the atmosphere is found by visual, audible, olfactory, or any other detection method – either repair the leak or monitor within five (5) days to determine if a leak is present.</p> <p>Repaired shall mean that the visual, audible, olfactory, or other indications of a leak to the atmosphere have been eliminated.</p>	<p>Monitor in accordance with term 5.2.4.</p> <p>The owner or operator shall document that the visual inspection was conducted and the date of the inspection.</p>

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.1.10	<p>40 CFR 63 Subpart FFFF, §63.2480(a) (7/14/2006)</p> <p>40 CFR 63 Subpart UU, §63.1028 & §63.1038 (6/29/1999)</p> <p>NWCAA 104.2 (5/14/2020)</p>	<p><u>Agitators in gas and vapor service standards</u></p> <p>Each agitator shall be monitored monthly to detect leaks. The instrument reading that defines a leak is 10,000 ppm or greater.</p> <p>Each agitator seal shall be checked by visual inspection each calendar week for indications of liquids dripping from the agitator seal.</p> <p>If there are indications of liquids dripping from the agitator seal, the owner or operator shall either repair the leak or monitor within five (5) days to determine if a leak is present.</p> <p>Comply with monitoring method and frequency requirements in §63.1028(c)(1) and (c)(3).</p> <p>Repair leaking agitators per § 63.1028(d) and applicable requirements, if special provisions in §63.1028(e) apply -document per applicable requirements.</p>	<p>Monitor in accordance with term 5.2.4.</p> <p>The owner or operator shall document that the visual inspection was conducted and the date of the inspection.</p>
5.1.11	<p>40 CFR 63 Subpart FFFF, §63.2480(a) (7/14/2006)</p> <p>40 CFR 63 Subpart UU, §63.1032 (6/29/1999)</p> <p>NWCAA 104.2 (5/14/2020)</p>	<p>Each sampling connection system shall be equipped with a closed-purge, closed-loop, or closed vent system, except as provided. The system shall return the purged process fluid directly to a process line.</p> <p>Gases displaced during filling of the sample container are not required to be collected or captured.</p> <p>In-situ sampling systems and sampling systems without purges are exempt.</p>	<p>No MR&R for this term.</p>

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.1.12	<p>40 CFR 63 Subpart FFFF, §63.2480(a) (7/14/2006)</p> <p>40 CFR 63 Subpart UU, §63.1033 (6/29/1999)</p> <p>NWCAA 104.2 (5/14/2020)</p>	<p><u>Open-ended valves or lines standards</u></p> <p>Each open-ended valve or line shall be equipped with a cap, blind flange, plug, or a second valve, except for emergency shutdown systems or polymerizing materials service.</p> <p>The cap, blind flange, plug, or second valve shall seal the open end at all times except during operations requiring process fluid flow through the open-ended valve or line, or during maintenance.</p> <p>Each open-ended valve or line equipped with a second valve shall be operated in a manner such that the valve on the process fluid end is closed first.</p> <p>When a double block and bleed system is being used, the bleed valve or line may remain open during operations that require venting the line between the block valves but shall comply at all other times.</p>	Report any open-ended lines in accordance with AOP Term 2.4.7 deviation reporting.

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.1.13	<p>40 CFR 63 Subpart FFFF, § 63.2520(e) (7/14/2006)</p> <p>40 CFR 63 Subpart UU, § 63.1039 (6/29/1999)</p> <p>NWCAA 104.2 (5/14/2020)</p>	<p><u>Reporting Requirements</u></p> <p>Semiannually, submit compliance reports, in accordance with Sections 2.4 and 3.2, and 4.1, which shall include the following:</p> <p>Company name and address.</p> <p>Statement by a responsible official with that official's name, title, and signature, certifying the accuracy of the content of the report.</p> <p>Date of report and beginning and ending dates of the reporting period.</p> <p>Applicable records and information for periodic reports as specified in referenced 40 CFR 63 Subpart UU.</p>	<p>Report in a summary format for each equipment type, the number of components for which leaks were detected. Additionally for valves, pumps and connectors show the percent leakers, and the total number of components monitored.</p> <p>Also include the number of leaking components that were not repaired as required, and for valves and connectors, identify the number of components that are determined to be non-repairable.</p> <p>If applicable, include where any delay of repair is utilized pursuant to §63.1024(d), report that delay of repair has occurred and report the number of instances of delay of repair.</p> <p>If applicable, for pressure relief devices in gas and vapor service pursuant to §63.1030(b) that are to be operated at a leak detection instrument reading of less than 500 parts per million, report the results of all monitoring to show compliance conducted within the semiannual reporting period.</p> <p>Report Initial Compliance Status revisions to items reported if the method of compliance has changed since the last report.</p>

Table 5-2 12.25 MMBtu/hr Natural Gas-Fired Boiler (EU-2)

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.2.1	40 CFR Subpart DDDDD 63.7500 (a)(1) and (3); 63.7505(a); 63.7515 (a) and (d); 63.7530 (f); 63.7540 (a)(10), and (a)(13); 63.7545(a), (c), (e)(1), and (e)(8)(i); 63.7550 (a), (b), (c)(1), (c)(5)(i)-(iii), (c)(xiv), (c)(xvii), and (h)(3); 63.7555(a)(1); Table 3, row 3; Table 9 (11/20/2015); 63.7560(a), (b), (c) NWCAA 104.2 (5/14/2020) OAC 1271a Condition 4 (7/13/2020)	<p><u>Tune-up Requirements for existing boiler greater than 10 MMBtu/hr</u></p> <p>Conduct a tune-up of the boiler annually. Each annual tune-up must be conducted no more than thirteen (13) months after the previous tune-up.</p> <p>If the unit is not operating on the required date for a tune-up, the tune-up must be conducted within 30 calendar days of startup.</p>	<p>Inspect the burner, and clean or replace any components of the burner as necessary;</p> <p>Inspect the flame pattern and adjust the burner as necessary to optimize the flame pattern. The adjustment should be consistent with the manufacturer's specifications;</p> <p>Inspect the system controlling the air-to-fuel ratio and ensure that it is correctly calibrated and functioning properly;</p> <p>Optimize total emissions of CO. This optimization should be consistent with the manufacturer's specifications;</p> <p>Measure the concentrations in the effluent stream of CO in parts per million, by volume, and oxygen in volume percent, before and after the adjustments are made (measurements may be either on a dry or wet basis, as long as it is the same basis before and after the adjustments are made). Measurements may be taken using a portable CO analyzer.</p> <p>Submit a signed certification by the responsible official in the Notification of Compliance Status (NCS) within 60 days of performing the tune-up in accordance with AOP Term 3.2.15.1. Include a statement in the NCS, "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)." Include information discussed in 40 CFR 63.7545(e)(1).</p> <p>Submit a compliance report annually as per 40 CFR 63.7550(b), that includes the information from §63.7550(c)(1).</p> <p>Submit copy of reports electronically to EPA via CEDRI using the electronic report for this subpart. (www.epa.gov/ttn/chief/cedri/index.html)</p> <p>Maintain a copy of each notification and report submitted for five (5) years in accordance with AOP Term 2.4.3.</p>

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.2.2	40 CFR 63 Subpart DDDD 63.7545(f) (11/20/2015) NWCAA 104.2 (5/14/2020)	Notification in case of natural gas curtailment or supply interruption	Submit notification of alternative fuel use within 48 hours of declaration of period of natural gas curtailment or supply interruptions. Provide information in 40 CFR 63.7545(f)(1) through (f)(5).
5.2.3	40 CFR 60 Subpart Dc 60.48c(g)(2) and (3); (c)(i)(1/28/2009) NWCAA 104.2 (5/14/2020)	Each month record amount of natural gas burned in the boiler.	Maintain records for two (2) years following the date of such records.
5.2.4	OAC 1271a Conditions 1, 3, 5 & 6 (7/13/2020)	Do not exceed any of the following emission limits: a) 9 ppmvd NOx, corrected to 3% O2, and b) 50 ppmvd CO, corrected to 3% O2. Operate the FGR and low-NOx burner at all times the boiler is in operation.	Develop a written operation and maintenance (O/M) manual for the boiler, FGR and low-NOx burner including inspection schedules, maintenance requirements, and operating procedures. Maintain the manual onsite and keep readily available for inspection by NWCAA personnel. Maintain all records required by this Order onsite for no less than five (5) years from the date of generation and keep readily available for review by NWCAA personnel.
5.2.5	OAC 1271a Condition 2 (7/13/2020)	Visible emissions from the boiler stack are prohibited that exceed 0% opacity for more than three (3) minutes in any one-hour period.	Measured by Washington Department of Ecology Method 9A.

Table 5-3 Drying Kilns (EU-3)

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.3.1	OAC 758 Condition 3 (04/09/2001) OAC Condition 2 (9/19/88)	No visible fugitive emissions shall be evident from the facility.	Comply with the MR&R in term 4.9

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.3.2	OAC 758 Condition 4 (04/09/2001)	Emissions resulting from operation of the fire retardant manufacturing facility shall not cause exceedance of acceptable source impact levels specified in WAC 173-460-150 and -160 as determined by methods specified in WAC 173-460-080.	<i>Directly enforceable</i> – Provide written notification to the Northwest Clean Air Agency when throughput or material formulations significantly change.
5.3.3	OAC Condition 3 (9/19/1988)	Ambient concentrations at the property line shall not exceed the following: <div> <div>Arsenic</div> <div>0.00022 µg/m³</div> </div> <div> <div>Chromium</div> <div>0.000083 µg/m³</div> </div> <div> <div>Copper</div> <div>2.4 µg/m³</div> </div>	Significant change shall be when: <ul style="list-style-type: none"> If the formulation of the fire retardant material changes, Shingles or shakes are treated with fire retardant material, or New products are treated with fire retardant material.

Table 5-4 Emergency CI Rice Generator <500 Bhp (EU-4)

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.4.1	40 CFR 63 Subpart ZZZZ §63.6602 - Table 2c, §63.6625 (f), (h), & (i); §63.6650(f); §63.6655 (a)(4) & (f) (1/30/2013) NWCAA 104.2 (5/14/2020)	<p>Minimize the engine's time spent at idle and minimize the engine's startup time at startup to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes.</p> <p>Install a non-resettable hour meter if one is not already installed.</p> <p>Change oil and filter every 500 hours of operation or annually, whichever comes first. Oil life can be extended based on oil analysis results;</p> <p>Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first, and replace as necessary;</p> <p>Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.</p> <p>Oil analysis condemning limits are as follows: Total Base Number is less than 30% of the Total Base Number of new oil; viscosity of the oil has changed by more than 20% from the viscosity of the oil when new; or water content (by volume) is greater than 0.5%. If all of these condemning limits are not exceeded, the engine owner or operator is not required to change the oil.</p> <p><u>Work practice delay:</u> If an emergency engine is operating during an emergency and it is not possible to shut down the engine in order to perform the work practice requirements, or if performing the work practice on the required schedule would otherwise pose an unacceptable risk under Federal, State, or local law, the work practice can be delayed until the emergency is over or the unacceptable risk under Federal, State, or local law has abated. The work practice should be performed as soon as practicable after the emergency has ended or the unacceptable risk under Federal, State, or local law has abated.</p>	<p>Maintain Records of all required maintenance performed on the equipment.</p> <p>Keep records of the hours of operation of the engine that is recorded through the non-resettable hour meter. Document how many hours are spent for emergency operation, including what classified the operation as emergency and how many hours are spent for non-emergency operation.</p> <p>If the owner or operator elects the option of utilizing an oil analysis program in order to extend the specified oil change requirement, the analysis must be performed at the same frequency as the oil change. The program must at a minimum analyze the following three parameters: total base number, viscosity, and percent water content.</p> <p>If any of the limits are exceeded, the engine owner or operator must change the oil within two (2) business days of receiving the results of the analysis; if the engine is not in operation when the results of the analysis are received, the engine owner or operator must change the oil within two (2) business days or before commencing operation, whichever is later. The owner or operator must keep records of the parameters that are analyzed as part of the program, the results of the analysis, and the oil changes for the engine. The analysis program must be part of the maintenance plan for the engine.</p> <p>Report any deviation in the semiannual report required in AOP Term 2.4.7. If the work practice schedule was not met because the engine was being operated during an emergency, report the Federal, State or local law under which the risk was deemed unacceptable.</p>

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.4.2	40 CFR 63 Subpart ZZZZ §63.6625(e)(2); §63.6640 (a) Table 6; §63.6650(f); §63.6655(a)(2), (d), & (e) (1/30/2013) NWCAA 104.2 (5/14/2020)	Operate and maintain the stationary RICE according to the manufacturer's emission-related operation and maintenance instructions or develop and follow your own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions.	<p>Keep records of the occurrence and duration of each malfunction of operation (<i>i.e.</i>, process equipment) or the air pollution control and monitoring equipment.</p> <p>Report any deviations in the semiannual report required in AOP Term 2.4.7.</p> <p>If applicable, maintain a copy of the source specific maintenance plan.</p> <p>Keep records of the maintenance conducted on the stationary RICE in order to demonstrate that you operated and maintained the stationary RICE according to your own maintenance plan.</p>

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.4.3	<p>40 CFR 63 Subpart ZZZZ §63.6640(f) & §63.6655(f) (1/30/2013)</p> <p>NWCAA 104.2 (5/14/2020)</p>	<p>Any operation other than emergency operation, maintenance and testing, emergency demand response, and operation in non-emergency situations for greater than 50 hours per calendar year, is prohibited. If you do not operate the engine according to these requirements, the engine will not be considered an emergency engine under this subpart and will need to meet all requirements for non-emergency engines.</p> <p>There is no time limit on the use of the engine in emergency situations.</p> <p>The engine may be operated for the purpose of maintenance checks and readiness testing, provided that the tests are recommended by Federal, State or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine.</p> <p>The engine may be operated for emergency demand response for periods in which the Reliability Coordinator under the North American Electric Reliability Corporation (NERC) Reliability Standard, EOP-002-3, Capacity and Energy Emergencies, or other authorized entity as determined by the Reliability Coordinator, has declared an Energy Emergency Alert Level 2 as defined in the NERC Reliability Standard EOP-002-3.</p> <p>The engine may be operated for periods where there is a deviation of voltage or frequency of 5% or greater below standard voltage or frequency.</p> <p>Engine operation for maintenance checks and readiness testing, emergency demand response, and periods of voltage or frequency deviations is limited to 100 hours per calendar year.</p> <p>The engine may be operated up to 50 hours per calendar year in non-emergency situations, but those 50 hours are counted towards the 100 hours per calendar year provided for maintenance and readiness testing, emergency demand response, and voltage and frequency deviations. The 50 hours per calendar year for non-emergency situations cannot be used for peak shaving, non-emergency demand response or to generate income for a facility to supply power to an electric grid or otherwise supply power as part of a financial arrangement with another entity.</p>	<p>The owner or operator may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that Federal, State, or local standards require maintenance and testing of emergency RICE beyond 100 hours per calendar year.</p> <p>If the engines are used for emergency demand response operation or voltage or frequency deviations, the owner or operator must keep records of the notification of the emergency situation, the date, start time, and end time of engine operation for these purposes.</p>

SECTION 6 INAPPLICABLE REQUIREMENTS

The regulations identified in Table 6-1 do not apply to the Chemco Ferndale Facility as of the date of permit issuance. The bases for these determinations are listed in Table 6-1.

Table 6-1 Inapplicable Requirements

Inapplicable Requirements		
CITATION	TITLE	BASIS
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	The facility has no storage vessels that were constructed, reconstructed, or modified within the applicability date range of this regulation.
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	Not applicable because none of the storage tanks on-site meet the capacity/vapor pressure applicability criteria of NSPS Ka.
40 CFR 60 Subpart Kb	Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984	Not applicable because none of the storage tanks on-site meet the capacity/vapor pressure applicability criteria of NSPS Kb.
40 CFR 60 Subpart D	NSPS for Fossil-Fuel-Fired Steam Generators for Which Construction Is Commenced After August 17, 1971	Not applicable because the boiler has a heat input rate less than 250 MMBtu/hour.
40 CFR 60 Subpart Db	NSPS for Industrial-Commercial-Institutional Steam Generating Units for Which Construction Is Commenced After June 9, 1989	Not applicable because the boiler has a heat input rate less than 100 MMBtu/hr.
40 CFR 60 RRR	NSPS for Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes	Not applicable because the subject process is a batch process (§ 60.700(c)(1)).
40 CFR 60 VV	NSPS for SOCMI LDAR	The facility is not in the synthetic organic chemical manufacturing industry, as defined, because it does not produce as an intermediate or final product any of the chemicals listed at § 60.489.
40 CFR 61	NESHAP Regulations	No affected sources.

Inapplicable Requirements		
CITATION	TITLE	BASIS
40 CFR 63 Subparts F, G, H	Hazardous Organic NESHAP (HON) MACT	Not applicable because the facility does not produce as a primary product any of the chemicals listed in table 1 of subpart F (§ 63.100(b)).
40 CFR 63 Subpart EEEE	Organic Liquid Distribution (OLD) (other than gasoline) MACT	Not applicable because the OLD equipment is regulated under 40 CFR 63 Subpart FFFF (§ 63.2338(c)(1))
40 CFR 63 Subpart QQQQ	Surface Coating of Wood Building Products MACT	Fire retardant wood treating facilities are specifically excluded, see § 63.4681(c)(5). Hardening resin applied to the wood products is not a surface coat.