



*Serving Island, Skagit & Whatcom Counties*

**GENERAL CHEMICAL LLC  
ANACORTES, WASHINGTON**

**AIR OPERATING PERMIT**

**FINAL MODIFICATION**

**December 20, 2010**

## PERMIT INFORMATION

General Chemical LLC, Anacortes Works  
8579 North Texas Road, Anacortes, WA 98221

NAICS: 325188

EPA AFS NUMBER: 53-057-0002

NWCAA ID NUMBER: 010-V-S

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<b>Air Operating Permit Number:</b>	<b>Issuance Date:</b>
009R1	Renewal April 14, 2009
<b>Permit Modifications</b>	<b>Modification Date:</b>
Modification 1	December 20, 2010
<b>Supersedes Permit Number:</b>	<b>Expiration Date:</b>
N/A	April 14, 2014
<b>Application Date:</b>	<b>Renewal Application Due:</b>
December 9, 2010 (modification)	April 14, 2013

## ATTEST

This operating permit is issued in accordance with the provisions of the Washington Clean Air Act Chapter 70.94 Revised Code of Washington and the Clean Air Act 42 United States Code, Section 7401 *et seq.* GC is authorized to operate subject to the terms and conditions of this operating permit.

This operating permit has been issued by the undersigned.

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Date:  
Annie Naismith, P.E.  
Senior Engineer

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Date:  
Mark Buford, P.E.  
Assistant Director

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Date:  
Mark Asmundson  
Director

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## SECTION 1 EMISSION UNIT IDENTIFICATION

This permit applies to all air emissions including emissions from sulfuric acid and sulfur recovery processes conducted at the General Chemical facility located at 8579 North Texas Road, Anacortes, Washington, hereinafter referred to as General Chemical or as the facility or as the permittee. The facility must comply with the standard terms and conditions and applicable requirements listed in Sections 2.0, 3.0, 4.0, and 5.0 of this permit. Where there is difference, cited requirements take precedence over paraphrased requirements in these sections. Only air emissions from the emission units in place at the time of permit issuance and air emissions from insignificant emission units that are listed in the permit or that are categorically insignificant are approved via this permit at this facility. All terms and conditions of this permit, including any provisions designed to limit potential to emit, are enforceable by the EPA and citizens under the FCAA unless they are specifically designated as a state only requirement (authority WAC 173-401-625 11/4/93).

**Table 1-1 Emission Unit Identification - Sulfuric Acid Plant**

Process Area and Emission Point Description	Air Emissions Control Equipment / Strategies	Construction / Modification Year	Process Description
<p>Sulfuric Acid Units 1, 2 and 3, each containing the following equipment:</p> <ul style="list-style-type: none"> <li>• Decomposition Chamber</li> <li>• Gas Cooling Tower</li> <li>• Electrostatic Precipitator</li> <li>• Gas Drying Tower</li> <li>• SO<sub>2</sub> Blower</li> <li>• Catalytic Converter</li> <li>• Absorption Tower</li> <li>• Mist Eliminator</li> <li>• Unit 3 Startup Heater (9.2 MMBtu/hr)</li> <li>• Portable In-Line Natural Gas-Fired Catalyst Preheater for Units 1 &amp; 2</li> <li>• John Zink Natural Gas-Fired Heaters (2, each 5.75 MMBtu/hr)</li> </ul>	<p>Abatement Units 10 and 11 serve the sulfuric acid units by converting SO<sub>2</sub> gas to sulfuric acid, thereby enhancing the process while controlling SO<sub>2</sub> emissions. The two abatement units vent to a common stack. Each abatement unit consists of the following equipment:</p> <ul style="list-style-type: none"> <li>• SO<sub>2</sub> Blower</li> <li>• Cold Gas Heat Exchanger</li> <li>• Hot Gas Heat Exchanger</li> <li>• Catalytic Converter</li> <li>• Absorption Tower</li> <li>• Mist Eliminator</li> </ul>	<p>Unit 1: 1957 Unit 2: 1964 Unit 3: Construction startup 1973, completion in 1975. Modified in 1993.</p>	<p>The sulfuric acid units and abatement units operate continuously, 24 hours per day and 365 days per year, except during shutdowns for maintenance or breakdowns. The combined design production capacity for Sulfuric Acid Units Nos. 1, 2 and 3 is 566 tons of sulfuric acid per day</p>

**Table 1-2 Emission Unit Identification - Sulfur Recovery Unit**

Process Area and Emission Point Description	Air Emissions Control Equipment / Strategies	Construction / Modification Year	Process Description
<p>The sulfur recovery unit contains the following equipment:</p> <ul style="list-style-type: none"> <li>• Auxiliary Boiler</li> <li>• Claus Burner</li> <li>• 3.35 MMBtu Waste Heat Boiler</li> <li>• Catalyst Chambers (2)</li> <li>• Sulfur Condensers (3)</li> <li>• Sulfur Pit</li> <li>• Truck Loading</li> <li>• Flare</li> <li>• Bypass Line</li> </ul>	<p>SRU exhaust is treated in a Shell Claus Off gas Treating (SCOT) Unit. The SCOT unit consists of the following equipment:</p> <ul style="list-style-type: none"> <li>• SCOT Burner (Gas Reducing Generator)</li> <li>• Catalyst Beds</li> <li>• Quench Column</li> <li>• Absorbing Tower</li> <li>• Methyl Diethanolamine (MDEA) Stripper</li> <li>• Incinerator</li> </ul>	<p>1986, 1998</p>	<p>The SRU consists of a Claus sulfur recovery process followed by a SCOT abatement system. The off-gas from the Claus process is directed to the SCOT abatement system where hydrogen sulfide is recovered and recycled back to the front end of the Claus process. Remaining hydrogen sulfide from the SCOT abatement system is routed to an incinerator for oxidation to SO<sub>2</sub> prior to discharging to the atmosphere. The SRU operates 24 hours per day, 365 days per year except during shutdown for maintenance or breakdowns. The SRU maximum production capacity is 50.6 tons of molten sulfur per day.</p>

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

## **SECTION 2 STANDARD TERMS AND CONDITIONS**

Standard terms and conditions are administrative and/or other requirements that typically have no ongoing compliance monitoring requirements. The permittee must comply with the requirements listed below. All listed terms and conditions are federally enforceable unless identified as a “state only” requirement. A requirement designated “state only” is enforceable only by the state or the NWCAA, and not by EPA or through citizen suits. Unless the text of the term is specifically identified to be directly enforceable, the language of the cited regulation takes precedence over a paraphrased requirement. A permit condition labeled “Directly Enforceable” is a legal requirement, and the permit shield in condition 2.3.1 of this permit applies to those conditions.

### **2.1 Compliance Requirements**

#### **2.1.1 Duty to Comply**

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

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of RCW 70.94 and, for federally enforceable provisions, a violation of the 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 NWCAA 322.3 (11/8/07)

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

#### **2.1.2 Civil and Criminal Penalties**

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

Civil and criminal penalties may be issued in accordance with the applicable regulations listed above.

2.1.2.2 State Only: NWCAA 132 & 133 (11/8/07)

Civil and criminal penalties may be issued in accordance with the applicable regulations listed above. Under this “State Only” version of NWCAA 132, criminal penalties may be assessed on a “per day, per violation” basis.

Any person who violates the provisions of the applicable chapters of the RCW or the Regulations of the Northwest Clean Air Agency or aids and abets in a violation shall be subject to civil penalties as stated in the above regulations.

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

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

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the terms and conditions of this permit.

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

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

The permittee shall furnish to the NWCAA, within a reasonable time, any information that the NWCAA may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the NWCAA copies of records required to be kept by the permit or, for information claimed to be

confidential, the permittee may furnish such records directly to the EPA Administrator along with a claim of confidentiality. The NWCAA shall maintain confidentiality of such information in accordance with RCW 70.94.205 and the NWCAA Regulation.

## **2.1.5 Confidential Information**

### **2.1.5.1 NWCAA 114.1 (4/14/93)**

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

### **2.1.5.2 State Only: NWCAA 114.1 (11/8/07)**

Whenever any records or other information other than ambient air quality data or emission data furnished to or obtained by the Agency, relates to processes or production unique to the owner or operator, or are likely to affect adversely the competitive position of such owner or operator if released to the public or to a competitor, and the owner or operator of such processes or production so certifies, such records or information shall be only for the confidential use of the NWCAA. Nothing herein shall be construed to prevent the use of records or information by the NWCAA in compiling or publishing analyses or summaries relating to the general condition of the outdoor atmosphere: PROVIDED, that such analyses or summaries do not reveal any information otherwise confidential under the provisions of this section: PROVIDED FURTHER, that emission data furnished to or obtained by the Board shall be correlated with applicable emission limitations and other control measures and shall be available for public inspection during normal business hours at offices of the Board.

## **2.1.6 Inspection and Entry**

### **WAC 173-400-105(3) (9/20/93 – same as 2/10/05 version), WAC 173-401-630(2) (11/4/93) NWCAA 110 & 111 (1/8/69)**

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

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

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

## **2.1.7 Investigation and Studies**

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

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

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



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

### **2.1.8 Source Testing**

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

To demonstrate compliance, Ecology or the NWCAA may conduct or require that a test be conducted of the source using approved EPA methods from 40 CFR Parts 51, 60, 61 and 63 (in effect on February 20, 2001), or approved procedures contained in "Source Test Manual – Procedures for Compliance Testing," state of Washington, Department of Ecology, as of July 12, 1990. 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) (6/8/07)**

To demonstrate compliance, the required test must be conducted using approved EPA methods from 40 CFR 60 Appendix A, adopted by reference. All other language is the same as 2.1.8.1.

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

Source tests required by NWCAA (not RATA's) to assess compliance with an air emission standard shall be conducted according to the following provisions:

- (i) A source test plan shall be submitted for approval by the NWCAA 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 NWCAA.
- (ii) Once a test plan has been approved, any changes in test dates or methodology shall require NWCAA approval.
- (iii) Results of required source tests must be submitted within sixty days of completion of the test unless prior approval is granted by NWCAA.

### **2.1.9 Testing and Sampling**

#### **2.1.9.1 NWCAA 360.1 (2/14/73 – same as 3/13/97)**

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 approval to construct or an air operating permit.

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

All ambient monitoring, compliance testing, continuous monitoring systems and continuous opacity monitoring systems required by a regulation, order of approval or permit issued by the NWCAA shall comply with the applicable requirement of this (subject) regulation. The applicable requirements of this Section and Appendix A 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.

Before an approval to construct or a registration certificate is granted, the Control Officer may require the owner or applicant to provide and maintain such facilities as are necessary for sampling and testing purposes, including but not limited to safe access to sample locations, sample platforms, proper sample ports, and adequate shelter where appropriate.

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 Agency, and evaluate the validity of the data. The owner or operator may also be required by the Control Officer to take a sample using an approved procedure and submit the results thereof within a reasonable period of time.

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

## **2.1.10 Ambient Air and Continuous Emission Monitoring**

### *2.1.10.1 NWCAA 365.1 (2/8/89 – same as 11/12/99)*

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 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 Authority, 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 this Regulation.

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

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

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

Unless subject to acid rain regulations (40 CFR Part 72 and 75), all continuous emissions monitoring (CEM) systems 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 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 CEM 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 Tests (RATA's), Relative Accuracy Audits (RAA's) and Cylinder Gas Audits (CGA's) shall be employed as described in 40 CFR Part 60.

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 CEM fails to produce 90% data availability stating the reasons for the low data availability.

## **2.2 Permit Terms**

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

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

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

### **2.2.2 Permit Actions**

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

This permit may be modified, revoked, reopened, reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and re-issuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

### **2.2.3 Emissions Trading**

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

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

### **2.2.4 Emission Reduction Credits**

State Only: WAC 173-400-136 (2/10/05)

An emission reduction credit may be used in accordance with the applicable regulation listed above.

### **2.2.5 Severability**

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

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

## **2.2.6 Permit Appeals**

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

The 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 505(b) of the FCAA.

## **2.2.7 Permit Continuation**

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

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

## **2.2.8 Reopening for Cause**

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

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

- (i) Additional requirements become applicable to the source with a remaining permit term of three or more years. Such a reopening shall be completed not later than eighteen months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions have been extended pursuant to WAC 173-401-620(2)(j);
- (ii) Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the EPA Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit;
- (iii) The NWCAA or the EPA Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit; or
- (iv) The NWCAA or the EPA Administrator determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

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

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

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

## **2.2.10 Permit Modifications**

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

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

## **2.2.11 Property Rights**

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

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

## 2.2.12 Definitions

### 2.2.12.1 NWCAA Section 200 (10/13/94)

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

### 2.2.12.2 State Only: NWCAA 200 (11/8/07)

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

## 2.2.13 Compliance Schedule

### WAC 173-401-630(3) (11/4/93)

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

## 2.2.14 Permit Fees

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

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

### 2.2.14.2 NWCAA 322.4 (11/8/07)

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

## 2.2.15 Transfer or Permanent Shutdown

### 2.2.15.1 NWCAA 325 (9/8/93)

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

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

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

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

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

## **2.3 Permit Shield**

### **2.3.1 Shield Requirement**

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

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

### **2.3.2 Inapplicable Requirements**

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

As of the date of permit issuance, the requirements listed in Section 5 of the permit do not apply to the permittee. The permit shield applies to all requirements so identified.

### **2.3.3 Exclusions**

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

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

- (i) The provisions of Section 303 of the FCAA (emergency orders), including the authority of the EPA Administrator under that section;
- (ii) The 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) The ability of EPA to obtain information from a source pursuant to Section 114 of the FCAA; or
- (iv) The ability of the permitting authority to establish or revise requirements for the use of reasonably available control technology as provided in RCW 70.94.154.

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

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

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

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

All emissions units are required to use reasonably available control technology (RACT) which may be determined for some sources or source categories to be more stringent than the applicable emission limitations of any chapter of 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 (2/10/05)

All emissions units are required to use reasonably available control technology (RACT) which may be determined for some sources or source categories to be more stringent than the applicable emission limitations of any chapter of 173 WAC. Where current controls are determined to be less than RACT, Ecology or the NWCAA 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.

### **2.3.5 Emergencies**

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

An emergency, as defined in WAC 173-401-645(1), constitutes an affirmative defense to an action brought for noncompliance with a technology-based emission limitation if conditions of WAC 173-401-645

(3) and (4) are met. This provision is in addition to the affirmative defense for unavoidable excess emissions found in any applicable requirement.

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

## **2.4 Recordkeeping and Reporting**

### **2.4.1 Compliance Certification**

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

The Permittee shall submit ongoing certifications of compliance with permit terms and conditions. The first such certification shall cover the period from the last compliance certification until issuance of this revised permit. Compliance certifications shall be made on a yearly basis. Each certification shall include:

- (i) The identification of each term and condition of the permit that is the basis of the certification;
- (ii) The compliance status;
- (iii) Whether the compliance was continuous or intermittent;
- (iv) The 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 Regions 10 and the Northwest Clean Air Agency at the following addresses, by February 28 for the previous calendar year:

U.S. EPA, Region 10  
Suite 900, AWT-107  
Attn: Air Operating Permits  
1200 Sixth Avenue  
Seattle, WA 98101

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

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

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

#### **2.4.1.3 WAC 173-401-615 (10/17/02) and 630 (11/4/93) Directly Enforceable**

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

All semiannual monitoring certifications are due as follows:

January 31 for reports from July through December

July 31 for reports from January through June

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

Where a permit does not require testing, monitoring, recordkeeping and reporting for insignificant emissions units or activities, the permittee may certify continuous compliance if there were no observed, documented, or known instances of noncompliance during the reporting period. Where a permit requires

testing, monitoring, recordkeeping and reporting for insignificant emission units or activities, the permittee may certify continuous compliance when the testing, monitoring and recordkeeping required by the permit revealed no violations during the period, and there were no observed, documented or known instances of noncompliance during the reporting period.

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

### **2.4.2.1 NWCAA 112 (2/14/73)**

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

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

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

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

No person shall reproduce or alter or cause to be reproduced or altered any order or other paper issued by the 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)(10/17/02)**

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

- (i) The date, time, and location of sampling or measurements;
- (ii) The operating conditions existing at the time of sampling or measurement;
- (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 will be retained for a period of five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit.

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

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

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

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

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



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

Annual emission reports shall be submitted to the NWCAA within 105 days after the end of the previous calendar year. If the emission report is not submitted by the required date and the emissions are used to determine operating permit fees as described in NWCAA Regulation 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)(6/8/07)

The difference between this latest version of WAC 173-400-105(1) and the (8/15/01) version is the requirement to include oxides of nitrogen, PM<sub>2.5</sub>, and ammonia to the list of emissions that must be reported. In addition, the new version states that emission estimates may be based on the most recent published EPA emission factors or other information available to the source, whichever is the better estimate.

**2.4.4.3** State Only: NWCAA 150 (11/12/99)

The difference between the 11/12/99 version of NWCAA 150 and the 9/8/93 version consists in the citation of operating permit fees in NWCAA 322.4, rather than NWCAA 324.126.

## **2.4.5 Reporting to Verify Emissions from Potential PSD Sources**

State Only: WAC 173-400-720(4)(b)(iii) (6/8/07)

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 in which the emissions occurred. The report shall include the emissions in tons per year for the project, the baseline actual emissions and the pre-construction projected emissions.

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

WAC 173-401-615(3)(b) (10/17/02) Directly Enforceable under WAC 173-401-615(1)(b) & (c), 10/17/02

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

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

## **2.4.7 Report of Breakdown and Upset**

### **2.4.7.1 NWCAA 340.1, 340.2 and 340.3 (10/13/94)**

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

- (i) The upset or breakdown shall be reported as promptly as possible and in no event later than 12 hours to the NWCAA.
- (ii) The person responsible shall, upon the request of the Control Officer, submit a full report within 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 this Regulation nor from the resulting liabilities for failure to comply.

It shall be prima facie evidence of violation of this Regulation if any control equipment is turned off, broken down or otherwise inoperative, and a notice of breakdown has not been filed, under 340.1, or 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 Section 340.1.

### **2.4.7.2 State Only: NWCAA 340.1, 340.2, and 340.3 (11/8/07)**

If a breakdown or upset condition occurs which results in or may have resulted in an 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 12 hours to the NWCAA.
- (ii) The responsible official or his designee shall, submit a full report on forms provided by 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 this Regulation if 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 Section 340.1.

## **2.4.8 Report of Shutdown or Startup**

### **2.4.8.1 NWCAA 341.1, 341.2, 341.3 (9/8/93)**

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

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

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

**2.4.8.2** State Only: NWCAA 341.1, 341.2, 341.3 and 341.5 (7/14/05)

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

The advance notification shall include a general schedule of steps to be taken to minimize the release of air contaminants to the atmosphere including the reason for and the 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 the 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.

For Title V Air Operating Permit sources, 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 an 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. Other non-Title V Air Operating Permit sources shall file a full report to the NWCAA within 30 days upon the request of the Control Officer.

## **2.5** Operation and Maintenance

**2.5.1.1** NWCAA 342 (9/8/93)

Keep all process and/or air pollution control equipment in good operating condition and repair. If a breakdown or upset condition occurs and it 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 Regulation 340, submit a report on what measures will be taken in training or re-orienting personnel to prevent a recurrence of the breakdown

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

All air contaminant stationary sources are required to keep any process and/or air pollution control equipment in good operating condition and repair. Operating instructions and maintenance schedules for this equipment must be available on the site.

## **2.6 Excess Emissions**

### **2.6.1.1 WAC 173-400-107 1, 2, 3, 4, 5, and 6 (9/20/93)**

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 ecology or 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.

### **2.6.1.2 State Only: NWCAA 340.4 (7/14/05), and 341.4 (7/14/05)**

Excess emissions due to breakdowns and upsets shall be considered unavoidable, and not subject to penalty, provided the 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; and
- (iii) The permittee took immediate and appropriate corrective action in a manner consistent with good air pollution control practice.
- (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 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.

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

WAC 173-401-500(6) (10/17/02)

Upon becoming aware that the source has 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.

## **2.8 Prohibitions**

### **2.8.1 Concealment and Masking**

2.8.1.1 WAC 173-400-040(7) (9/20/93) and (2/10/05 State only)

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 the provisions of this chapter.

2.8.1.2 State Only: NWCAA 540 (1/8/69)

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

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

### **2.8.2 Adjustment for Atmospheric Conditions**

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

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

### **2.8.3 Outdoor Burning**

2.8.3.1 WAC 173-425-036 (10/18/90) and WAC 173-425-045 (1/3/89), WAC 173-435-050(2) (01/3/89) Although SIP-Approved, WAC 173-425-036 and -045 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.

2.8.3.2 State Only: WAC 173-425-040, 050, and 060 (4/13/00), NWCAA 502 (7/14/05)

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.

### **2.8.4 Asbestos**

2.8.4.1 State Only: NWCAA 570 (7/14/05)

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

2.8.4.2 40 CFR 61.145 (1/16/91), 61.148 (11/20/90) and 61.650 (1/16/91)

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

## **2.8.5 Stratospheric Ozone and Climate Protection**

### **2.8.5.1 40 CFR 82 Subpart F (As amended through 8/20/2001)**

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

### **2.8.5.2 State Only: RCW 70.94.970 (1991 c 199 602)**

A person who services or 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.

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

### **NWCAA 124 (2/14/73)**

Any order or other certificate obtained from the NWCAA shall be available at the facility. If the NWCAA requires a notice to be displayed, it shall be posted. No one shall mutilate, obstruct or remove any notice unless authorized to do so by the NWCAA.

## **2.8.7 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.

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

### **2.8.8.1 WAC 173-400-110 (9/20/93), NWCAA 300, 301, 302 & 324.2 (10/13/94), and NWCAA 303 (8/9/78)**

No person shall construct, install, establish, modify or alter an air contaminant source or an emission unit without filing a “notice of construction and Application for Approval” and receiving approval for the Agency in accordance with the cited regulations.

### **2.8.8.2 State Only: WAC 173-400-560 (2/10/05) and NWCAA 300.14 (11/8/07)**

An owner or operator may apply for an applicable general order for approval to construct certain specified sources as defined in this part. 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.

### **2.8.8.3 State Only: NWCAA 300.15 (11/8/07)**

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.

### **2.8.8.4 State Only: WAC 173-400-710, 720 (6/8/07), WAC 173-400- 730, 740 and 750 (2/10/05), WAC 173-460-040(2/14/94), WAC 273-400-141 (8/15/01) NWCAA 300.1-300.13, 301 (7/14/05), 303 (11/12/98), and 324.2 (7/14/05)**

A Notice of Construction or PSD permit application must be filed by the owner or operator and an Order of Approval or PSD permit issued by the Agency 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 term 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.

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 new source of 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. The procedures for submitting a complete application, for public review and involvement, and for revisions to an existing PSD permit are provided in detail in the cited regulations (WAC 173-400-710 through 750).

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

*State Only: WAC 173-400-114 (9/15/01), NWCAA 300.13 (11/8/07)*

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.

### **2.8.10 Controls for New Sources of Toxic Air Pollutants**

*State Only WAC 173-460-030(1) (2/14/94)*

The owner or operator of a new toxic air pollutant source shall notify the NWCAA prior to the construction, installation, or establishment of the source and shall file a notice of construction application for the proposed emission unit(s) as per WAC 173-460-040, -050, -080, -110, -150, and -160 (2/14/94) and WAC 173-460-070 and -140 (6/18/91).

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

*State Only: WAC 173-400-200 (2/10/05)*

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

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

*State Only: WAC 173-400-105(7) (6/8/07)*

No person shall make any false material statement, representation or certification in any form, notice or report required under Chapter 70.4 or 70.120 RCW, or any ordinance, resolution, regulation, permit, or order in force pursuant thereto.

### **2.8.13 Inaccurate Monitoring**

*State Only: WAC 173-400-105(8) (6/8/07)*

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.

### **2.8.14 Prevention of Accidental Release**

*40 CFR 68 Subpart F (As amended through 8/20/2001)*

The permittee shall not produce, process, handle or store any substance listed in 40 CFR 68.130 or any other extremely hazardous substance unless they identify hazards that might result from accidental releases using appropriate hazard assessment techniques, design and maintain a safe facility taking such steps as are necessary to prevent releases, and minimize the consequences of accidental releases that do occur.

### **2.8.15 Cutback Asphalt Paving**

NWCAA 580.7 (4/14/93)

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



## **SECTION 3            STANDARD TERMS AND CONDITIONS FOR NSPS AND NESHAP REQUIREMENTS**

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 60.2 and “affected sources” defined in the National Emission Standards for Hazardous Air Pollutants (NESHAP) in 40 CFR Part 63.2. The affected facilities and affected 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.

### **3.1     40 CFR Part 60 – New Source Performance Standard Requirements**

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

40 CFR 60.4(a) and (b) (4/25/75) (as amended by Delegation Letter of 8/29/06 from Richard Albright, EPA Region X to James Randles, 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

Authority to approve major changes in emission units, test methods and monitoring methods prescribed by 40 CFR Part 60 has not been delegated to NWCAA. Prior to filing an application under any NSPS regulation that authorizes EPA to approve alternate emission limits, test methods, or monitoring methods, the permittee shall consult with NWCAA to determine whether the application falls within the scope of NWCAA’s delegated authority.

Applications under NSPS authorities that have been excluded from delegation shall be submitted to the NWCAA at the above address and to the EPA at the following address:

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

#### **3.1.2    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.

#### **3.1.3    Operation and Maintenance**

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

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

### 3.1.4 Credible Evidence

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

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

### 3.1.5 Circumvention

40 CFR 60.12 (3/8/74)

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

### 3.1.6 Notification

40 CFR 60.7(a) (2/12/99) (as amended by Delegation Letter of 8/29/06 from Richard Albright, EPA Region X to James Randles, Director of NWCAA)

Furnish written notification to NWCAA 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.

### 3.1.7 Startup, Shutdown, and Malfunction Records

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

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

### 3.1.8 Excess Emission Records

40 CFR 60.7(c) and (d) (2/12/99) (as amended by Delegation Letter of 8/29/06 from Richard Albright, EPA Region X to James Randles, Director of NWCAA)

Each owner or operator required to install a continuous monitoring device shall submit excess emissions (as defined in applicable subparts) and monitoring systems performance and/or summary report form to the NWCAA semiannually, except when: more frequent reporting is specifically required in any subpart; or the NWCAA determines that more frequent reporting is necessary. Written reports of excess emissions shall include the information in 60.7(c)(1) through (4). All semiannual monitoring certifications are due as follows:

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

### 3.1.9 Maintenance of Records

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

Maintain a file of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by this part recorded in a permanent form 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 will be retained for a period of five years from the date of the monitoring sample, measurement, report, or application.

## 3.2 40 CFR Part 63 – National Emission Standards for Hazardous Air Pollutants Requirements

### 3.2.1 Address for Reports, Notifications and Submittals

40 CFR 63.9(a)(5/30/03) and 63.10(a) (4/20/06) (as amended by Delegation Letter of 8/31/06 from Richard Albright, Director, EPA Office of Air, Waste, and Toxics to James Randles, Director of NWCAA).

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

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

All NESHAP Subparts referenced in this permit have been delegated to NWCAA. Authority to approve major changes in emission units, test methods and monitoring methods prescribed by 40 CFR Part 63 have not been delegated to NWCAA (see 68 Federal register 37334 published June 23, 2003). Prior to filing an application under any NESHAP regulation that authorizes EPA to approve alternate emission limits, test methods, or monitoring methods, the permittee shall consult with NWCAA to determine whether the application falls within the scope of NWCAA's delegated authority.

Applications under NESHAP authorities that have been excluded from delegation shall be submitted to the NWCAA at the above address and to the EPA at the following address:

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

### **3.2.2 Requirements for Existing, Newly Constructed, and Reconstructed Part 63 NESHAP Sources**

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

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

After the effective date of any relevant standard promulgated by the EPA under Part 63, no person may, without obtaining written approval in advance from the NWCAA 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 EPA 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 procedures in 63.9(b)(4) and (5).

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 Notification Requirements for New or Reconstructed Part 63 NESHAPS Sources**

40 CFR Part 63.9(b)(4) (5/30/03)

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

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

A notification of the actual date of startup of the source delivered or postmarked within 15 calendar days after that date.

### **3.2.4 Notification Requirements for Existing Part 63 NESHAPS Sources**

40 CFR Part 63.9(b)(2) and (j) (5/30/03)

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

- (i) The name and address of the owner or operator;
- (ii) The address (i.e., physical location) of the affected source;

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

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

### **3.2.5 Startup, Shutdown, and Malfunction Record Retention**

40 CFR 63.10(b)(1),(2) and (d)(5) (4/20/06)

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

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)(A) Actions taken during periods of startup or shutdown when the source exceeded applicable emission limitations in a relevant standard and when the actions taken are different from the procedures specified in the affected source's startup, shutdown, and malfunction plan (SSMP) (see §63.6(e)(3)); or
- (B) Actions taken during periods of malfunction (including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation) when the actions taken are different from the procedures specified in the affected source's SSMP (see §63.6(e)(3));
- (v) All information necessary, including actions taken, to demonstrate conformance with the affected source's SSMP (see §63.6(e)(3)) when all actions taken during periods of startup or shutdown (and the startup or shutdown causes the source to exceed any applicable emission limitation in the relevant emission standards), and malfunction (including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation) are consistent with the procedures specified in such plan. (The information needed to demonstrate conformance with the SSMP may be recorded using a "checklist," or some other effective form of recordkeeping, in order to minimize the recordkeeping burden for conforming events);
- (vi) Each period during which a CMS is malfunctioning or inoperative (including out-of-control periods);
- (vii) All required measurements needed to demonstrate compliance with a relevant standard (including, but not limited to, 15-minute averages of CMS data, raw performance testing measurements, and raw performance evaluation measurements, that support data that the source is required to report);

- (A) This paragraph applies to owners or operators required to install a continuous emissions monitoring system (CEMS) where the CEMS installed is automated, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. An automated CEMS records and reduces the measured data to the form of the pollutant emission standard through the use of a computerized data acquisition system. In lieu of maintaining a file of all CEMS subhourly measurements as required under paragraph (b)(2)(vii) of this section, the owner or operator shall retain the most recent consecutive three averaging periods of subhourly measurements and a file that contains a hard copy of the data acquisition system algorithm used to reduce the measured data into the reportable form of the standard.
- (B) This paragraph applies to owners or operators required to install a CEMS where the measured data is manually reduced to obtain the reportable form of the standard, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. In lieu of maintaining a file of all CEMS subhourly measurements as required under paragraph (b)(2)(vii) of this section, the owner or operator shall retain all subhourly measurements for the most recent reporting period. The subhourly measurements shall be retained for 120 days from the date of the most recent summary or excess emission report submitted to the NWCAA.
- (C) The NWCAA, upon notification to the source, may require the owner or operator to maintain all measurements as required by paragraph (b)(2)(vii), if the administrator or the delegated authority determines these records are required to more accurately assess the compliance status of the affected source.
- (viii) All results of performance tests, CMS performance evaluations, and opacity and visible emission observations;
- (ix) All measurements as may be necessary to determine the conditions of performance tests and performance evaluations;
- (x) All CMS calibration checks;
- (xi) All adjustments and maintenance performed on CMS;
- (xii) Any information demonstrating whether a source is meeting the requirements for a waiver of recordkeeping or reporting requirements under this part, if the source has been granted a waiver under paragraph (f) of this section;
- (xiii) All emission levels relative to the criterion for obtaining permission to use an alternative to the relative accuracy test, if the source has been granted such permission under §63.8(f)(6); and
- (xiv) All documentation supporting initial notifications and notifications of compliance status under §63.9.

If actions taken by an owner or operator during a startup, shutdown (and the startup or shutdown causes the source to exceed any applicable emission limitation in the relevant emission standards), or malfunction of an affected source (including actions taken to correct a malfunction) are consistent with the procedures specified in the source's startup, shutdown, and malfunction plan (SSMP), the owner or operator shall state such information in a SSMP report. Actions taken to minimize emissions during such startups, shutdowns, and malfunctions shall be summarized in the report and may be done in checklist form; if actions taken are the same for each event, only one checklist is necessary. Such a report shall also 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. Reports shall only be required if a startup or shutdown caused the source to exceed any applicable emission limitation in the relevant emission standards, or if a malfunction occurred during the reporting period.

Any time an action taken by an owner or operator during a startup or shutdown that caused the source to exceed any applicable emission limitation in the relevant emission standards, or malfunction (including actions taken to correct a malfunction) is not consistent with the procedures specified in the affected source's SSMP, the owner or operator shall report the actions taken for that event 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. The immediate report required under this paragraph shall consist of a telephone call (or a facsimile transmission) to the NWCAA within 2 working days after commencing actions inconsistent with the plan, and it shall be followed by a letter, delivered or postmarked within 7 working days after the end of the event, that contains the name, title, and signature of the owner or operator or other responsible official who is certifying its accuracy, explaining the circumstances of the event, the reasons for not following the SSMP, describing all excess emissions and/or parameter monitoring exceedances which are believed to have occurred (or could have occurred in the case of malfunctions), and actions taken to minimize emissions in conformance with §63.6(e)(1)(i).

### **3.2.6 SSM Reports for Part 63 NESHAPS Refinery MACT Phase II (Subpart UUU) Affected Sources**

Title 40 CFR 63.1575(h) and 63.1577 (4/11/02)

The requirements for startup, shutdown and malfunction reports for Subpart UUU affected sources is the same as noted in Subsection 3.2.5 above with the following exceptions and differences:

When actions taken to respond during startups, shutdowns and malfunctions are consistent with the plan, it is not required to report these events in the semiannual compliance report and the reporting requirements in §§ 63.6(e)(3)(iii) and 63.10(d)(5) do not apply. 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).

When actions taken to respond during startups, shutdowns and malfunctions are not consistent with the plan, it is required to report these events and the response taken in the semiannual compliance report. In this case, the reporting timeframe requirements in §§ 63.6(e)(3)(iv) and 63.10(d)(5) do not apply (the events shall be reported in the next semiannual report instead of reporting verbally within 2 working days and in writing within 7 working days).

### **3.2.7 Prohibited Activities and Circumvention**

40 CFR 63.4(4/5/02)

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

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

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

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;

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.

### 3.2.8 Operation and Maintenance

40 CFR Part 63.6(e)(1)(i), (ii), and (iii) (4/20/06)

At all times, including periods of startup, shutdown, and malfunction, the owner or operator must operate and maintain any affected source, including associated air pollution control and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. During a period of startup, shutdown, or malfunction, this general duty to minimize emissions requires that the owner or operator reduce emissions from the affected source to the greatest extent which is consistent with safety and good air pollution control practices. The general duty to minimize emissions during a period of startup, shutdown, or malfunction does not require the owner or operator to achieve emission levels that would be required by the applicable standard at other times if this is not consistent with safety and good air pollution control practices, nor does it require the owner or operator to make any further efforts to reduce emissions if levels required by the applicable standard have been achieved.

Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures (including the SSMP), review of operation and maintenance records, and inspection of the source.

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.

Operation and maintenance requirements established pursuant to section 112 of the Act are enforceable independent of emissions limitations or other requirements in relevant standards.

### 3.2.9 Startup, Shutdown, and Malfunction Plans for Part 63 NESHAPS

40 CFR Part 63.6(e)(3) (4/20/06)

The owner or operator of an affected source must develop a written startup, shutdown, and malfunction plan (SSMP) 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.

[Reserved]

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 SSMP, 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 SSMP 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).

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 SSMP, 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 NWCAA).

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 as provided in paragraph (e)(3)(viii) of this section, 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 NWCAA.

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 Administration (OSHA) or other plan, provided the alternative plans meet all the requirements of this section and are made available for inspection or submitted when requested by the NWCAA.

Based on the results of a determination made under paragraph (e)(2) of this section, the Administrator may require that 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 NWCAA 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 §63.2.

The owner or operator may periodically revise the SSMP 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 SSMP without prior approval by the Administrator or the permitting authority. However, each such revision to a SSMP must be reported in the semiannual report required by §63.10(d)(5). If the SSMP fails to address or inadequately addresses an event that meets the characteristics of a malfunction but was not included in the SSMP at the time the owner or operator developed the plan, the owner or operator must revise the SSMP 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 SSMP 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.

### **3.2.10 SSM Plans for Part 63 NESHAPS Refinery MACT II (Subpart UUU) Affected Sources**

*Title 40 CFR Part 63.6(e)(3) (4/20/06)*

The requirements for startup, shutdown and malfunction plans for Subpart UUU affected sources are the same as noted in Subsection 3.3.9.1 above with the following exceptions or differences:

Actions taken during a startup, shutdown or malfunction that are not consistent with the SSM plan do not need to be reported within 2 and 7 days, but must be include in the next periodic report.

### **3.2.11 Compliance With Non-opacity Emission Standards**

40 CFR Part 63.6(f)(1)(4/20/06)

The non-opacity 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. If a startup, shutdown, or malfunction of one portion of an affected source does not affect the ability of particular emission points within other portions of the affected source to comply with the non-opacity emission standards set forth in this part, then that emission point must still be required to comply with the non-opacity emission standards and other applicable requirements.

### **3.2.12 Compliance With Opacity and Visible Emission Standards**

Title 40 CFR part 63.6(h)(1) (4/20/06)

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

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

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

Until a compliance extension has been granted by the NWCAA 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 it meets 63.6(i)(4) and 63.6(i)(6).

### **3.2.14 Notification of Performance Tests**

40 CFR Part 63.9(e) (5/30/03)

The owner or operator of an affected source shall notify the Administrator in writing of his or her intention to conduct a performance test at least 30 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 §63.7(c), if requested by the Administrator, and to have an observer present during the test.

### **3.2.15 Conduct of Performance Tests**

*3.2.15.1* 40 CFR Part 63.7(e)(1) (5/16/07)

Performance tests shall be conducted under such conditions as the NWCAA 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 NWCAA such records as may be necessary to determine the conditions of the performance tests.

### **3.2.16 Operation and Maintenance of Continuous Monitoring Systems (CMS)**

*3.2.16.1* 40 CFR Part 63.8(c)(1),(2),(3 and 4) (4/20/06)

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

- (i) The owner or operator of an affected source must maintain and operate each CMS as specified in §63.6(e)(1).

- (ii) The owner or operator must keep the necessary parts for routine repairs of the affected CMS equipment readily available.
- (iii) The owner or operator of an affected source must develop a written startup, shutdown, and malfunction plan for CMS as specified in §63.6(e)(3).

All CMS must be installed such that representative measures of emissions or process parameters from the affected source are obtained. In addition, CEMS must be located according to procedures contained in the applicable performance specification(s).

- (ii) Unless the individual subpart states otherwise, the owner or operator must ensure the read out (that portion of the CMS that provides a visual display or record), or other indication of operation, from any CMS required for compliance with the emission standard is readily accessible on site for operational control or inspection by the operator of the equipment.

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

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

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

### **3.2.17 Continuous Monitoring Systems (CMS) Out of Control Periods**

*40 CFR Part 63.8(c)(7), and (8) (4/20/06)*

A CMS is out of control if—

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

When the CMS is out of control, the owner or operator of the affected source shall take the necessary corrective action and shall repeat all necessary tests which indicate that the system is out of control. The owner or operator shall take corrective action and conduct retesting until the performance requirements are below the applicable limits. The beginning of the out-of-control period is the hour the owner or operator conducts a performance check (e.g., calibration drift) that indicates an exceedance of the performance requirements established under this part. The end of the out-of-control period is the hour

following the completion of corrective action and successful demonstration that the system is within the allowable limits. During the period the CMS is out of control, recorded data shall not be used in data averages and calculations, or to meet any data availability requirement established under this part.

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

### **3.2.18 Continuous Monitoring Systems (CMS) Quality Control Program**

40 CFR Part 63.8(d) (4/20/06)

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

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

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

The owner or operator shall keep these written procedures on record for the life of the affected source or until the affected source is no longer subject to the provisions of this part, to be made available for inspection, upon request, by the Administrator. If the performance evaluation plan is revised, the owner or operator shall keep previous (i.e., superseded) versions of the performance evaluation plan on record to be made available for inspection, upon request, by the Administrator, for a period of 5 years after each revision to the plan. Where relevant, e.g., program of corrective action for a malfunctioning CMS, these written procedures may be incorporated as part of the affected source's startup, shutdown, and malfunction plan to avoid duplication of planning and recordkeeping efforts.

### **3.2.19 Continuous Monitoring Systems (CMS) Data Reduction**

40 CFR Part 63.8(g)(1-4) (4/20/06)

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

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

The data may be recorded in reduced or nonreduced form (e.g., ppm pollutant and percent O<sub>2</sub> or ng/J of pollutant).

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

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

The requirements in the MR&R column labeled “Directly enforceable under WAC 173-401-615(1)(b) & (c), 10/17/02” are legally enforceable requirements added under the NWCAA’s “gap-filling” authority. 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, and Reporting
4.1 General	NWCAA 342.1 (7/14/05-State Only)	<u>Operation and Maintenance</u> Sources are required to keep any process and/or air pollution control equipment in good operating condition and repair.	Monitor, keep records and report in accordance with the terms of this permit.  Directly enforceable under WAC 173-401-615(1)(b) & (c), 10/17/02.
4.2 General	NWCAA 342.2 (7/14/05-State Only)	<u>Operation Instructions and Maintenance Schedules</u>	
4.3 General	NWCAA 342.2 (9/8/93 Federally Enforceable)	Make operating instructions and maintenance schedules available to operators	

Permit Term	Citation	Description	Monitoring, Recordkeeping, and Reporting
4.4 General	NWCAA 530 (3/9/00-State Only)	<p><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.</p> <p>An air contaminant is defined as “dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof.</p>	<p>Upon receiving an air contaminant complaint from the NWCAA or the public addressing conditions other than odors, the permittee shall investigate the complaint and the operations of the facility to determine whether facility emissions have caused or are causing injury or damage to human health, plant or animal life or property, or unreasonably interfere with the enjoyment of life or property. If the permittee determines that emission from the facility caused or are causing a nuisance condition, and if the identified problems cannot be repaired or corrected within four hours, action shall be taken to minimize emissions until repairs can be made and the NWCAA shall be notified within 12 hours with a description of the complaint and action being taken to resolve the problem.</p>
4.5 General	WAC 173-400-040(5) (9/20/93) WAC 173-400-040(5) (2/10/05-State Only )	<p><u>Emission Detrimental to Persons or Property</u> Emissions detrimental to health or property prohibited.</p>	<p>The results of the investigation, identification of any malfunctioning equipment or aberrant operation, and the date and time of repair or mitigation shall be recorded. A log of these records shall be maintained for inspection.</p> <p>Receipt of a nuisance complaint in itself shall not necessarily be a violation.</p>
4.6 PM	NWCAA 550 (4/14/93) NWCAA 550 (11/8/07 State Only)	<p><u>Preventing Particulate Matter from Becoming Airborne</u> Best Available Control Technology to prevent the release of fugitive matter to the ambient air required. Nuisance particulate fallout prohibited.</p>	<p>Directly enforceable under WAC 173-401-615(1)(b) &amp; (c), 10/17/02.</p>

Permit Term	Citation	Description	Monitoring, Recordkeeping, and Reporting
4.7 PM	WAC 173-400-040(2) (9/20/93) WAC 173-400-040(2) (2/10/05-State Only )	<u>Fallout</u> Nuisance particulate fallout prohibited.	
4.8 PM	WAC 173-400-040(3)(a) (9/20/93) WAC 173-400-040(3)(a) (2/10/05-State Only )	<u>Fugitive Emissions For Attainment Area</u> Take reasonable precautions to prevent release of air contaminants required.	
4.9 PM	WAC 173-400-040(8)(a) (9/20/93) WAC 173-400-040(8)(a) (2/10/05-State Only )	<u>Fugitive Dust Sources</u> Required to take reasonable precautions to prevent release of fugitive dust and maintain and operate source to minimize emissions.	



Permit Term	Citation	Description	Monitoring, Recordkeeping, and Reporting
4.10 Odors	NWCAA 535.1 (3/9/00-State Only)	<p><u>Odor Control Measures</u> 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 property owner’s use and enjoyment of their property must use recognized best practices and control equipment to reduce these odors to a reasonable minimum.</p> <p>No person shall cause or permit the emission of any odorous air contaminant from any source if it is detrimental to the health, safety, or welfare of any person, or causes damage to property or business.</p>	<p>Upon receiving an odor complaint from the NWCAA or the public, the permittee shall investigate the complaint and the operations of the facility to determine whether (a) facility emissions of odorous air contaminants are detrimental to the health, safety and welfare of any person, or causing damage to property or business and (b) the facility is using recognized best practices and control equipment to reduce these odors to a reasonable minimum. If the permittee determines that emission from the facility caused or are causing a nuisance condition, or that odor control measures are inadequate, and if the identified problems cannot be repaired or corrected within four hours, action shall be taken to minimize odors until repairs can be made and the NWCAA shall be notified within 12 hours with a description of the complaint and action being taken to resolve the problem.</p> <p>The results of the investigation, identification of any malfunctioning equipment or aberrant operation, and the date and time of repair or mitigation shall be recorded. A log of these records shall be maintained for inspection.</p>
4.11 Odors	WAC 173-400-040(4) (9/20/93) WAC 173-400-040(4) (2/10/05-State Only)	<p><u>Odors</u> Off-site nuisance odors prohibited.</p>	<p>Receipt of a nuisance complaint in itself shall not necessarily be a violation.</p> <p>Directly enforceable under WAC 173-401-615(1)(b) &amp; (c), 10/17/02.</p>

Permit Term	Citation	Description	Monitoring, Recordkeeping, and Reporting
4.12 Opacity	NWCAA 451.1 (5/11/95-State Only)	<u>Emission of Air Contaminant - Visual Standard</u> Opacity shall not exceed 20% for any period aggregating more than 3 minutes in any one hour.	<p>For combustion units burning oil, visually observe stacks on a daily basis to qualitatively assess whether emissions are visible. The frequency may be reduced to weekly if no visible emissions are observed for thirty consecutive days. The permittee shall revert to daily observations of individual stacks if any visible emissions are noted during the observation.</p> <p>For combustion units burning gaseous fuels, visually observe stacks monthly to qualitatively assess whether emissions are visible. The frequency may be reduced to quarterly if no visible emissions are observed for six consecutive months. The permittee shall revert to monthly observations of individual stacks if any visible emissions are noted during the observation.</p> <p>If visible emissions are observed, reduce to no visible emissions as soon as possible. If visible emissions cannot be reduced to zero, the permittee may monitor by EPA Method 9 no later than 24 hours after detection and daily thereafter until opacity is shown to be less than 20%. Otherwise visual emissions shall be considered in excess of the opacity standard.</p> <p>Record observation results for stacks with visible emissions and any related equipment or operational failure, the occurrence dates and times, actions taken, and the type of fuel burned. Record that an observation was performed, with date, time background conditions, and identification of the observer. Keep records of all observations available for inspection.</p> <p>Combustion units with specifically applicable permit terms in Section 5 for opacity and particulate matter shall be monitored in accordance with Section 5 requirements only.</p> <p>Directly enforceable under WAC 173-401-615(1)(b) &amp; (c), 10/17/02.</p>
4.13 Opacity	NWCAA 451.1 (10/13/94 Federally Enforceable)	Excess emissions as a result of soot blowing or grate cleaning shall not occur for more than 15 minutes in any 8 hour period, or another approved schedule.	
4.14 Opacity	WAC 173-400-040(1) (9/20/93) WAC 173-400-040(1) (2/10/05-State Only )	<u>Visible Emissions</u> Opacity shall not exceed 20% for any period aggregating more than 3 minutes in any one hour. Excess emissions as a result of soot blowing or grate cleaning shall not occur for more than 15 minutes in any 8 hour period, or another approved schedule.	
4.15 PM	NWCAA 455.1 (5/11/95-State Only)	<u>Emission of Particulate Matter</u> Emissions shall not exceed 0.10 grain/dscf (corrected to 7% oxygen), except from all gaseous and distillate fuel burning equipment (the definition of fuel burning equipment does not include internal combustion engines), emissions shall not exceed 0.05 grain/dscf (0.11 g/m <sup>3</sup> ) corrected to 7% oxygen.	
4.16 PM	NWCAA 455.1 (4/14/93 Federally Enforceable)		
4.17 PM	WAC 173-400-060 (3/22/91) WAC 173-400-060 (2/10/05-State Only )	<u>Emission Standards for General Process Units</u> Particulate emissions greater than 0.1 grain/dscf prohibited.	
4.18 PM	WAC 173-400-050(1) (3/22/91) WAC 173-400-050(1) (2/10/05-State Only )	<u>Emission Standards for Combustion and Incineration Units</u> Particulate emissions from combustion units greater than 0.1 grain/dscf prohibited.	
4.19 PM	WAC 173-400-050(3) (3/22/91-State Only) WAC 173-400-050(3) (2/10/05-State Only )	<u>Concentration Correction</u> Particulate emissions from combustion units shall be corrected to 7% oxygen except when NWCAA determines that an alternate oxygen correction factor is more representative of normal operations	

Permit Term	Citation	Description	Monitoring, Recordkeeping, and Reporting
4.20 SO <sub>2</sub>	NWCAA 462 (3/13/97 State Only)	<p><u>Emission of Sulfur Compounds</u> It shall be unlawful for any person to cause or permit the emission of air contaminants from any equipment if the air contaminants emitted as measured in the stack contain sulfur compounds calculated as sulfur dioxide (SO<sub>2</sub>), of more than 1000 ppm averaged for a sixty consecutive minute period, except as otherwise provided by a specific emission restriction adopted by the NWCAA. For the purpose of this section, all sulfur present in gaseous compounds containing oxygen shall be deemed present as SO<sub>2</sub>.</p> <p>Emissions of sulfur compounds calculated to be in excess of 1,000 ppm at any emission point, averaged for a sixty consecutive minute period, shall not constitute a violation provided such person responsible for the emission provides reasonable evidence that such emissions will not cause ground level concentrations on adjacent property to exceed the values indicated in Section 410 of the NWCAA Regulations, and can demonstrate to the NWCAA there is no practical method of reducing the concentration to the above levels or less.</p> <p>All concentrations of SO<sub>2</sub> referred to are on a volumetric dry basis. For combustion emissions, the exhaust gas volume shall be corrected to 7% oxygen.</p>	<p>Continuously monitor and record the concentration of stack SO<sub>2</sub>, in accordance with the applicable permit terms listed in Section 5.</p> <p>Retain fuel specifications and purchase records verifying that fuel oil combusted has a sulfur content of no greater than 0.5 weight percent.</p> <p>Directly enforceable under WAC 173-401-615(1)(b) &amp; (c), 10/17/02.</p>
4.21 SO <sub>2</sub>	NWCAA 462 (4/14/92- Federally Enforceable)		

Permit Term	Citation	Description	Monitoring, Recordkeeping, and Reporting
4.23 SO <sub>2</sub>	NWCAA 520 (4/14/93)	<u>Sulfur Compounds in Fuel</u> Prohibited to burn fuel containing sulfur in excess of the following: #1 distillate-0.3%; #2 distillate-0.5%; other fuel oils-2.0%; gaseous fuels-412 ppm@stp; solid fuels-2.0%; for a time period not to exceed an aggregate of 30 days in any 12-month period.	Retain fuel specifications and purchase records verifying that fuel combusted has a sulfur content of no more than the allowable limits.  Directly enforceable under WAC 173-401-615(1)(b) & (c), 10/17/02
4.24 SO <sub>2</sub>	NWCAA 520 (5/9/96-State Only)	<u>Sulfur Compounds in Fuel</u> Prohibited to burn fuel containing sulfur in excess of the following: #1 distillate-0.3%; #2 distillate-0.5%; other fuel oils-2.0%; gaseous fuels-412 ppm@stp; solid fuels-2.0% for a time period not to exceed 30 days in a 12 month period.	

Permit Term	Citation	Description	Monitoring, Recordkeeping, and Reporting
4.25 SO <sub>2</sub>	NWCAA 410 (4/14/93)	<p><u>Sulfur Oxide Standards</u> Unlawful for any person to cause or permit sulfur oxides to be emitted into the ambient air, calculated as sulfur dioxide, measured at an ambient air monitoring station averaged over the specified time periods to exceed:</p> <ul style="list-style-type: none"> <li>• 0.800 ppmv for any 5 minute average, not to be exceeded more than once per year</li> <li>• 0.400 ppmv for any hour average, not to be exceeded more than once per year</li> <li>• 0.250 ppmv for any one hour average, not to be exceeded more than twice in any 7 consecutive days</li> <li>• 0.100 ppmv for any one day (24 hours), not to be exceeded more than once per year</li> <li>• 0.020 ppmv for any one year (annual arithmetic mean)</li> </ul>	<p>Operate meteorological and ambient monitoring equipment in accordance with NWCAA 367 and Appendix A.                      Directly Enforceable under WAC 173-401-615(1)(b) &amp; (c), 10/17/02</p>
4.26 SO <sub>2</sub>	NWCAA 465.21 (4/14/1993 - State Only)	<p><u>Meteorological Station:</u> Install, calibrate, maintain and operate at least one continuous recording meteorological station equipped to record wind speeds and direction.</p>	
4.27 SO <sub>2</sub>	NWCAA 465.22 (4/14/1993 - State Only)	<p><u>Ambient SO<sub>2</sub> monitor:</u> Install, calibrate, maintain and operate a continuous recording ground level SO<sub>2</sub> ambient air monitor.</p>	
4.28 General	NWCAA 355 (9/8/93)	<p><u>Instrument Calibration</u> Any person operating an ambient air or emission monitoring instrument may be required to calibrate said instrument as required by the NWCAA under the provisions of 366.1</p>	

Permit Term	Citation	Description	Monitoring, Recordkeeping, and Reporting
4.29 Reports	WAC 173-401-615(3) (9/16/02)	<p><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.</p> <p>Monthly, quarterly and semiannual reports are scheduled on a calendar basis. The reports shall be submitted within 30 days after the close of the period that the reports cover.</p>	<p>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.</p> <p>Directly Enforceable under WAC 173-401-615(1)(b) &amp; (c), 10/17/02</p>

## SECTION 5 SPECIFICALLY APPLICABLE REQUIREMENTS

The cited requirements in the “Regulatory Citation” column, and incorporated herein by reference, are applicable to specific emission units at the plant, as designated by the table headers. These requirements are federally enforceable unless identified as “state only”. A requirement designated “state only” is enforceable only by the state or the NWCAA, and not by the EPA or through citizen suits. The “Description” column is a brief description of the applicable requirements for informational purposes only and is not enforceable.

Periodic or continuous monitoring requirements (including testing) are specified in the “Monitoring, Recordkeeping and Reporting” column, which identifies monitoring, recordkeeping and reporting (MR&R) obligations the source must perform as required by WAC 173-401-605(1) and 615(1) and (2) or the underlying requirement. MR&R obligations do not apply to insignificant emission units. The requirements in the MR&R column labeled “directly enforceable” are legally enforceable requirements added under NWCAA’s “gap-filling” authority pursuant to WAC 173-401-615(1)(b). 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.

The provisions of federally approved NWCAA Regulation 365, 366 and the “Guidelines for Industrial Monitoring Equipment and Data Handling” have been replaced in this section by NWCAA Regulation 367 and Appendix A - "Ambient Monitoring, Emission Testing and Continuous Emission and Opacity Monitoring". NWCAA Regulation 367 and Appendix A were adopted on July 14, 2005 with a provision that compliance with Appendix A would be required one year from the date of adoption. The new regulations are “State Only” until incorporated into the State Implementation Plan.

**Table 5-1 Specifically Applicable Requirements – Sulfuric Acid Plant**

Permit Term	Regulatory Citation	Description	Monitoring, Recordkeeping, and Reporting
Note: The 40 CFR Part 60 General Provisions in Section 3.1 apply to the sulfuric acid plant.			
5.1.1 General	OAC 458c Condition 7 (11/5/01) PSD 94-01 Amendment 1 Condition 6 (1/14/98)	An Operation and Maintenance Manual that identifies procedures and practices that ensure compliance with applicable requirements shall be kept onsite and made available to NWCAA and Ecology.	Maintain a copy of the manual onsite and readily available for inspection. Directly enforceable under WAC 173-401-615(1)(b) & (c), 10/17/02. Directly Enforceable under WAC 173-401-615(1)(b) & (c), 10/17/02
5.1.2 General	OAC 880a Conditions 1 & 2 (2/4/2009)	The startup heater on sulfuric acid plant 3 shall combust only natural gas and operate not more than 1,000 hours in any 12-month period with the exception of one time period from January 2009 through December 2009. During this time period the heater may operate up to 5,000 total hours. For the following 12-month period beginning January 2010, heater operation will return to a maximum of 1,000 hours in a 12-month period and shall continue operating at or below that limit.	Records documenting operation time shall be updated at least monthly and include the date of operation and total hours of operation on each calendar day the unit is run. Operation records for the startup heater shall be kept for a period of not less than five years. These records shall be kept on-site and available for review by the NWCAA.

Permit Term	Regulatory Citation	Description	Monitoring, Recordkeeping, and Reporting
5.1.3 Opacity	OAC 880a Conditions 3 & 4 (2/4/2009)	Visible emissions from the startup heater on sulfuric acid plant 3 shall not exceed 10% opacity for more than 3 minutes in any 60-minute period. The heater shall be maintained and operated according to good combustion practices.	Visible emissions shall be measured according to Washington Department of Ecology Method 9A. The facility shall update the facility operation and maintenance plan to include the startup heater and maintain the heater according to the plan.
5.1.4 General	OAC 458c Condition 11 (11/5/2001)	<u>Monthly reports</u> shall be submitted to the NWCAA within twenty days of the end of the previous calendar month.	The monthly report shall include: <ul style="list-style-type: none"> <li>• Process or control equipment operating parameters;</li> <li>• Monthly average concentration, in units of the standard, for each pollutant monitored;</li> <li>• Duration and nature of any monitor downtime;</li> <li>• Results of any monitor audits or accuracy checks;</li> <li>• Results of any stack tests.</li> </ul> For each occurrence of monitored emissions in excess of an applicable standard, the monthly report shall include: <ul style="list-style-type: none"> <li>• The time of the occurrence;</li> <li>• Magnitude and duration of the emission excess; and</li> <li>• Corrective actions taken or planned</li> </ul>
5.1.5 General	PSD 94-01 Amendment 1 Conditions 4 & 5 (1/14/98)	<u>CEMS and process data</u> shall be reported to the NWCAA at least monthly within 30 days of the end of each calendar month.	The monthly report shall include: <p>Monthly average, in units of the standard, for each pollutant monitored;</p> <ul style="list-style-type: none"> <li>• Duration and nature of any monitor downtime;</li> <li>• Percentage of time the monitor was not operating as compared to total source operating time;</li> <li>• Results of any monitor audits or accuracy checks;</li> <li>• Results of any stack tests.</li> </ul> For each occurrence of monitored emissions in excess of an applicable standard, the monthly report shall include: <ul style="list-style-type: none"> <li>• The time of the occurrence;</li> <li>• Magnitude of the emission or process parameters excess;</li> </ul>



Permit Term	Regulatory Citation	Description	Monitoring, Recordkeeping, and Reporting
			<ul style="list-style-type: none"> <li>• Duration of the excess;</li> <li>• The probable cause, including startup/shutdown, control equipment problems, process equipment problems, other causes and the percentages of time of excess emissions as compared to total operating time;</li> <li>• Corrective actions taken or planned; and</li> <li>• Any other agency contacted</li> </ul>
5.1.6 SO <sub>2</sub>	NWCAA 465.11, 453.23 and 453.24 (4/14/93 - state only)	Sulfuric acid plant tailgas emissions shall not exceed 4 lb SO <sub>2</sub> /ton of sulfuric acid produced (production expressed as 100% H <sub>2</sub> SO <sub>4</sub> )	<p>Install, calibrate, maintain and operate according to NWCAA 367 and Appendix A a continuous monitoring system for the measurement of sulfur dioxide in the exhaust gas passing through the stack from the sulfur dioxide control units.</p> <p>Using the conversion factor established as required by permit term 5.1.10, calculate the pounds of SO<sub>2</sub> emissions per ton of H<sub>2</sub>SO<sub>4</sub> produced.</p> <p>Report monthly all periods of excess emissions, which are all three-hour periods (or the arithmetic average of three consecutive one-hour periods) during which the integrated average SO<sub>2</sub> emissions exceed the standard.</p> <p>Conduct annual performance tests to demonstrate compliance with the standard according to 40 CFR Part 60 Appendix A, Test Method 6 or 6C.</p> <p>Test plans shall be submitted to the NWCAA for approval at least 30 days prior to all compliance demonstration testing. Written test reports detailing the results of all tests shall be submitted to NWCAA within 45 days of the test.</p> <p>Directly enforceable WAC 173-401-615(1)(b) &amp; (c), 10/17/02.</p>
5.1.7 SO <sub>2</sub>	40 CFR 60.82(a) (6/14/74) and 40 CFR 60.84(a), (b), and (e) (10/17/00)	Sulfuric acid plant tailgas emissions shall not exceed 4 lb SO <sub>2</sub> /ton of sulfuric acid produced (production expressed as 100% H <sub>2</sub> SO <sub>4</sub> )	<p>Install, calibrate, maintain and operate a continuous monitoring system for the measurement of sulfur dioxide. The pollutant gas used to prepare calibration gas mixtures under Performance Specification 2 and for calibration checks under §60.13(d), shall be sulfur dioxide (SO<sub>2</sub>). The span value shall be set at 1000 ppm of SO<sub>2</sub>.</p>

Permit Term	Regulatory Citation	Description	Monitoring, Recordkeeping, and Reporting
			<p>Using the conversion factor established as required by permit term 5.1.10, calculate the pounds of SO<sub>2</sub> emissions per ton of H<sub>2</sub>SO<sub>4</sub> produced.</p> <p>For the purpose of reports under §60.7(c), periods of excess emissions shall be all three-hour periods (or the arithmetic average of three consecutive one-hour periods) during which the integrated average sulfur dioxide emissions exceed the standard.</p>
5.1.8 SO <sub>2</sub>	OAC 458c Conditions 4(a), 8, & 9(b) (11/5/01)	SO <sub>2</sub> emissions from the acid plant stack shall not exceed 315 ppmdv or 59.9 lb/hr on a 3-hr rolling average, whichever is more stringent.	<p>Calibrate, maintain, and operate a continuous sulfur dioxide monitor according to NWCAA 367 and Appendix A to determine compliance with the standard.</p> <p>Conduct annual performance tests to demonstrate compliance with the standard according to 40 CFR Part 60 Appendix A, Test Method 6 or 6C.</p> <p>Test plans shall be submitted to the NWCAA for approval at least 30 days prior to all compliance demonstration testing. Written test reports detailing the results of all tests shall be submitted to NWCAA within 45 days of the test.</p> <p>Directly enforceable WAC 173-401-615(1)(b) &amp; (c), 10/17/02.</p>
5.1.9 SO <sub>2</sub>	PSD 94-01 Amendment 1 Condition 1 (1/14/98)	SO <sub>2</sub> emissions from the acid plant stack shall not exceed 315 ppmdv or 59.9 lb/hr on a 3-hr average, whichever is more stringent.	<p>Compliance shall be determined by a CEM. The CEM used to measure SO<sub>2</sub> emissions shall, at a minimum, conform with EPA Title 40 Code of Federal Regulations Part 60 Performance Specifications as of July 1, 1993. The CEM quality control plan conforming to 40 CFR 60 Appendix F may be required to be periodically updated.</p>
5.1.10 SO <sub>2</sub>	OAC 458c Condition 10 (11/5/01) 40 CFR 60.84(b) & (c) (10/17/00)	<p>Establish a conversion factor for the purpose of converting sulfur dioxide monitoring data into units of the applicable standard.</p> <p>The conversion factor shall be determined, at a minimum, three times daily by measuring the concentration of sulfur dioxide entering the converter using suitable methods and calculating the appropriate conversion factor for each eight-hour period as follows: <math>CF = k[(1.000 - 0.015r)/(r - s)]</math></p>	<p>Maintain records of 24-hour production data adequate to calculate a conversion factor.</p> <p>Compliance with mass emission rates on a 3-hour average during periods of possible excess emissions will be demonstrated by collected process data and using appropriate estimating method and engineering calculations.</p> <p>Record all conversion factors and values used to compute</p>

Permit Term	Regulatory Citation	Description	Monitoring, Recordkeeping, and Reporting
		<p>where:            CF=conversion factor (lb/ton per ppm)            k=constant derived from material balance            r=%SO<sub>2</sub> by volume entering the gas converter.            Appropriate corrections must be made for air injection plants subject to the Administrator's approval.            s=%SO<sub>2</sub> by volume in the emissions to the atmosphere determined by the continuous monitoring system.</p>	<p>conversion factors.</p>
<p>5.1.11 H<sub>2</sub>SO<sub>4</sub></p>	<p>NWCAA 465.12 (4/14/93)            WAC 173-400-070(7) (2/10/05)            40 CFR 60.83(a)(1)(10/6/75) and 60.85 (2/14/89)</p>	<p>Sulfuric acid mist emissions (including sulfur trioxide) from the acid plant stack shall not exceed 0.15 lb/ton of sulfuric acid produced, expressed as 100% sulfuric acid.</p>	<p>Annual performance testing shall be conducted according to 40 CFR Part 60 Appendix A, Method 8 and 40 CFR part 60.85. Daily sulfuric acid production on a facility-wide basis shall be considered to be a suitable method to determine production rate of 100 % H<sub>2</sub>SO<sub>4</sub> for each test run.             The test plan shall be submitted to the NWCAA for approval at least 30 days prior to all compliance demonstration testing. Written test reports detailing the results of all tests shall be submitted to NWCAA within 45 days of the test.</p>
<p>5.1.12 H<sub>2</sub>SO<sub>4</sub></p>	<p>OAC 458c Conditions 5(a) &amp; 9(b) (11/5/2001)</p>	<p>Sulfuric acid mist emissions from the acid plant stack shall not exceed 1.5×10<sup>-6</sup> lb/dscf and 0.105 lb/ton of acid produced on an hourly average (expressed as 100% H<sub>2</sub>SO<sub>4</sub>).</p>	<p>Directly enforceable WAC 173-401-615(1)(b) &amp; (c), 10/17/02.</p>

Permit Term	Regulatory Citation	Description	Monitoring, Recordkeeping, and Reporting
5.1.13 H <sub>2</sub> SO <sub>4</sub> , opacity	OAC 458c Condition 6 (11/5/01) PSD 94-01 Amendment 1 Condition 2 (1/14/98) 40 CFR 60.83(a)(2) (10/6/75) 60.85(b)(4) (2/19/89)	Visible emissions from the abatement unit stack shall not exceed an average of 10% opacity for more than 6 minutes in any 1-hour period.	Observe stack(s) monthly for six consecutive months for visible emissions. If visible emissions are detected during the scheduled inspections, General Chemical shall correct any problem or equipment malfunction causing or contributing to the visible emissions. If these actions result in the elimination of visible emissions from the equipment, no further monitoring is required during this inspection. If visible emissions remain, General Chemical shall monitor the visible emissions using EPA method 9 as soon as possible to demonstrate compliance with applicable standards. This shall occur no later than six hours after initial detection. If, at the end of the six month period of monthly monitoring, opacity has consistently been zero, monitoring may occur quarterly. If visible emissions are detected for more than two minutes during any quarterly inspection, inspection frequency shall revert to monthly until six consecutive months of acceptable observations are recorded. Record and maintain the results of inspections, periods of opacity greater than 0%, any related equipment or operational malfunction, the date and time of the reading, and any action taken to correct the problem. A written request must be made to the NWCAA if the facility wishes to begin quarterly monitoring.  Directly enforceable WAC 173-401-615(1)(b) & (c), 10/17/02.
5.1.14 H <sub>2</sub> SO <sub>4</sub>	NWCAA 465.13 (4/14/93 - State Only)	Visible emissions from the sulfuric acid plant shall not exceed 10% opacity or greater for three minutes.	

**Table 5-2 Specifically Applicable Requirements - Sulfur Recovery Unit**

Permit Term	Regulatory Citation	Description	Monitoring, Recordkeeping, and Reporting
<p>Note: The 40 CFR Parts 60 and 63 General Provisions in Section 3 apply to the sulfur recovery unit.</p>			
<p>5.2.1 General</p>	<p>OAC 650c Conditions 10 &amp; 11 (12/13/2001)</p>	<p><u>Monthly reporting requirements.</u></p>	<p><u>Report monthly:</u> CEMS and process data in written form to NWCAA monthly within 20 days of the end of each calendar month. Reports shall include:</p> <ul style="list-style-type: none"> <li>• Hours that the Claus unit was in operation;</li> <li>• Hours that the SCOT unit was out of service;</li> <li>• Daily average sulfur production in tons per day;</li> <li>• Daily average SO<sub>2</sub> concentration (ppmdv @ 0% excess air);</li> </ul> <p>For each occurrence of monitored emissions in excess of an applicable standard, and periods for which the Claus unit is operating without the SCOT unit, the monthly report shall include:</p> <ul style="list-style-type: none"> <li>• The time of the occurrence;</li> <li>• Magnitude of the emission or process parameters excess;</li> <li>• Duration of the excess;</li> <li>• The probable cause;</li> <li>• Corrective actions taken or planned; and</li> <li>• Any other agency contacted.</li> </ul>

Permit Term	Regulatory Citation	Description	Monitoring, Recordkeeping, and Reporting
5.2.2 General	40 CFR 63.1570(f) (4/20/06) and 40 CFR 63.1575(a)-(f)(4/11/02) and Table 43 (2/9/05)	<u>Deviations:</u> Report each instance in which each emissions limit and each operating limit was not met. This includes periods of startup, shutdown, and malfunction. Also, report each instance in which the work practice standards that apply were not met. These instances are deviations from the emission limitations and work practices.	Submit compliance reports covering the semiannual reporting period from January 1 through June 30 or the period from July 1 through December 31. The reports must be postmarked or delivered no later than July 31 or January 31, whichever date is the first after the end of the period. The compliance report must contain (1) the company name and address, (2) a statement by a responsible official, with the official's name, title, and signature, certifying the accuracy of the content of the report, (3) the date of the report and the beginning and ending dates of the reporting period, and (4) if there are no deviations, a statement that there were no deviations from the emission limitations or work practice standards during the reporting period and that no continuous emission monitoring system was inoperative, inactive, malfunctioning, out-of-control, repaired, or adjusted. If there were deviations during the reporting period, the report must contain the information in §63.1575(d) or (e). Include a copy of any performance test done during the reporting period as per §63.1575(f)
5.2.3 General	40 CFR 63.1575(g) (4/11/02)	<u>Startup, Shutdown, and Malfunction Reporting Requirements:</u> When actions taken to respond are consistent with the SSMP, the permittee is not required to report these events in the semiannual compliance report. In this case, the reporting requirements in §§63.6(e)(3)(iii) and 63.10(d)(5) – in Section 3 of this permit – do not apply. When actions are not consistent with the SSMP, report the events and the response taken in the semiannual compliance report. In this case, the reporting requirements in §§63.6(e)(3)(iv) and 63.10(d)(5) – in Section 3 of this permit – do not apply	Submit in semiannual report.

Permit Term	Regulatory Citation	Description	Monitoring, Recordkeeping, and Reporting
5.2.4 General	40 CFR 63.1568(a)(3) and (c)(1) (4/11/02) and 63.1574(f), and 63.1576(f)(2/9/05)	<p><u>Operation, Maintenance and Monitoring Plan:</u>                      Prepare and implement an operations, maintenance and monitoring plan (OMMP) for each control system and continuous monitoring system.                      Demonstrate continuous compliance with this standard by complying with the procedures in the OMMP.</p>	<p>Prepare and submit the OMMP to the NWCAA for review and approval along with the notification of compliance status. Submit any changes to the NWCAA for review and approval and comply with the plan until the change is approved. The plan must include, at a minimum, the information specified in paragraphs (f)(2)(i) through (xii).                      Keep a current copy of the OMMP onsite and available for inspection. Also keep records to show continuous compliance with the procedures in the OMMP.</p>

Permit Term	Regulatory Citation	Description	Monitoring, Recordkeeping, and Reporting
5.2.5 Opacity	OAC 307a Condition 3 (5/14/2007)	<u>Visible emissions</u> from the Claus plant (i.e., the SRU incinerator stack) shall not exceed 20% for more than three minutes in any one-hour period.	<p>Observe stack(s) according to 40 CFR Part 60 Appendix A Method 9 monthly for six consecutive months for visible emissions. If visible emissions are detected during the scheduled inspections, General Chemical shall correct any problem or equipment malfunction causing or contributing to the visible emissions. If these actions result in the elimination of visible emissions from the equipment, no further monitoring is required during this inspection. If visible emissions remain, General Chemical shall monitor the visible emissions as soon as possible to demonstrate compliance with applicable standards. This shall occur no later than six hours after initial detection. If, at the end of the six month period of monthly monitoring, opacity has consistently been zero, monitoring may occur quarterly. If visible emissions are detected for more than two minutes during any quarterly inspection, inspection frequency shall revert to monthly until six consecutive months of acceptable observations are recorded. Record and maintain the results of inspections, periods of opacity greater than 0%, any related equipment or operational malfunction, the date and time of the reading, and any action taken to correct the problem. A written request must be made to the NWCAA if the facility wishes to begin quarterly monitoring.</p> <p>Report to the NWCAA every six months summarizing the findings during the inspections of the most recent six months.</p> <p>Directly enforceable WAC 173-401-615(1)(b) &amp; (c), 10/17/02.</p>
5.2.6 Opacity	OAC 650c Condition 6 (12/13/2001)	<u>Visible emissions</u> from the SRU incinerator stack shall not exceed 10% for more than 6 minutes in any 1-hour period.	



Permit Term	Regulatory Citation	Description	Monitoring, Recordkeeping, and Reporting
5.2.7 H <sub>2</sub> SO <sub>4</sub>	OAC 650c Conditions 5, 7, and 9 (12/13/2001)	<u>Sulfuric acid (H<sub>2</sub>SO<sub>4</sub>) Mist</u> : emissions shall not exceed 0.45 lb/ton of sulfur produced (hourly average).	Conduct annual performance tests at a minimum production rate of 25 tons per day (100% H <sub>2</sub> S basis) according to 40 CFR Part 60 Appendix A, Method 8. Test plans shall be submitted to the NWCAA for approval at least 30 days prior to annual testing. Written test reports detailing the results of all tests shall be submitted to NWCAA within 45 days of the test.
5.2.8 SO <sub>2</sub>	OAC 307a Condition 1 (5/14/2007)	<u>Total SO<sub>2</sub> emissions</u> from the Sulfur Recovery Unit shall not exceed 40 tons per year.	General Chemical shall demonstrate compliance annually through data submitted with annual emissions inventory.  Directly enforceable WAC 173-401-615(1)(b) & (c), 10/17/02.
5.2.9 SO <sub>2</sub>	OAC 650c Conditions 4, 7, & 9 (12/13/2001)	<u>SO<sub>2</sub> emissions</u> from the SRU shall not exceed 9.2 lb/hr on a one-hour basis.	Annual source testing shall be conducted according to 40 CFR Part 60 Appendix A, Method 6 or 6C. Conduct annual performance tests at a minimum production rate of 25 tons per day (100% H <sub>2</sub> S basis). Test plans shall be submitted to the NWCAA for approval at least 30 days prior to annual testing. Written test reports detailing the results of all tests shall be submitted to NWCAA within 45 days of the test.

Permit Term	Regulatory Citation	Description	Monitoring, Recordkeeping, and Reporting
5.2.10 SO <sub>2</sub>	OAC 307a Conditions 2 and 4 (5/14/2007)  OAC 650c Conditions 2, 7, 8, & 9 (12/13/2001)  40 CFR 60.104(a)(2)(i) (6/24/08), 60.105(a)(5) and (e)(4) (6/24/08)  60.107(d), (f), & (g) (6/24/08)	<u>SO<sub>2</sub> emissions</u> from the Claus Plant (incinerator stack) shall not exceed an average of 250 ppmdv corrected to 0% excess air during any 12-hour rolling period.	<p>Continuously monitor and record the concentration (dry basis, zero percent excess air) of SO<sub>2</sub> emissions into the atmosphere.</p> <p>The monitor shall include an oxygen monitor for correcting the data for excess air. The span values are 500 ppm SO<sub>2</sub> and 25% O<sub>2</sub>. The performance evaluations for the SO<sub>2</sub> monitor under §60.13(c) shall use Performance Specification 2. Methods 6 or 6C and 3 or 3A shall be used for conducting the relative accuracy evaluations.</p> <p>The CEM shall meet the requirements of 40 CFR 60 Appendix B Performance Specifications No. 2 for SO<sub>2</sub> and No. 3 for O<sub>2</sub> and be operated in accordance with 40 CFR 60 Appendix F and NWCAA 367 and Appendix A.</p> <p>Periods of excess emissions that shall be determined and reported are defined as all 12-hour periods during which the average concentration of SO<sub>2</sub> exceeds 250 ppm (dry basis, zero percent excess air).</p> <p>Conduct annual performance tests at a minimum production rate of 25 tons per day (100% H<sub>2</sub>S basis) according to 40 CFR Part 60 Appendix A, Methods 1-4, 6, or 6c. Test plans shall be submitted to the NWCAA for approval at least 30 days prior to annual testing. Written test reports detailing the results of all tests shall be submitted to NWCAA within 45 days of the test.</p> <p>For any periods for which sulfur dioxide or oxides emissions data are not available, the permittee shall submit a signed statement indicating if any changes were made in operation of the emission control system during the period of data.</p> <p>Reports shall be submitted semiannually, postmarked by the 30<sup>th</sup> day following the end of each six-month period. The reports shall be submitted with a signed statement by the owner or operator certifying the accuracy and completeness of the information contained in the report.</p>

Permit Term	Regulatory Citation	Description	Monitoring, Recordkeeping, and Reporting
5.2.11 HAP	40 CFR 63.1568 (a)(1) (4/11/2002) Table 29 item 1 (2/9/05) 40 CFR 63.1568 (c)(1) (4/11/2002) Table 34 item 1 (2/9/05) 40 CFR 63.1568 (b)(1) Table 31 item 1(2/9/05) 40 CFR 63.1572 (a)(1) Table 40 item 4 (2/9/2005)	<u>SO<sub>2</sub> emissions</u> from the Claus sulfur recovery unit (incinerator stack) shall not exceed an average of 250 ppmdv corrected to 0% excess air (12-hour rolling average).	Install and operate a continuous emissions monitoring system (CEMS) for the measurement of SO <sub>2</sub> and O <sub>2</sub> . The CEMS must meet 40 CFR Part 60 Appendix B Performance specification 2 with a span value of 500 ppm SO <sub>2</sub> ; use 40 CFR Part 60 Appendix A Method 6 or 6c and Appendix F. The CEMs must include an O <sub>2</sub> monitor certified according to and 40 CFR Part 60 Appendix F and Appendix A Method 3a or 3b. Relative accuracy test audits (RATAs) are required once per every four calendar quarters. Collect hourly average SO <sub>2</sub> (dry basis) and percent excess air data; determining and recording each 12-hour rolling average concentration of SO <sub>2</sub> ; maintaining each 12-hour rolling average concentration of SO <sub>2</sub> at or below the limit; and reporting any emissions greater than the limit according to 63.1575
5.2.12 HAP	40 CFR 63.1569(a)(1)(ii) Table 36 Option 2 (2/9/05) and (b)(2) Table 38 (2/9/05) and (c)(1) Table 39 items 2 and 5 (2/9/05)	<u>Bypass Lines:</u> Install a car-seal or lock-and-key device on the mechanism by which the bypass device flow position is controlled when the bypass device is in the closed position such that the bypass line valve cannot be opened without breaking the seal or removing the device.	Submit the notification of compliance status report. As part of the notification of compliance status, certify that the equipment was installed, that it was operational by the compliance date and identify which equipment was installed. Visually inspect the seal or closure mechanism at least once every month; and record whether the bypass line valve is maintained in the closed position and whether flow is present in the line. Record and report the time and duration of any bypass.

Permit Term	Regulatory Citation	Description	Monitoring, Recordkeeping, and Reporting
5.2.13 General	OAC 650c Condition 3 (12/13/2001)	<u>Sulfur recovery efficiency</u> shall be maintained to at least 99 %.	<p>Sulfur recovery efficiency shall be determined during annual performance tests according to term 5.21, and shall be calculated as follows:</p> $e = \frac{S_{recovered} \times 100}{S_{recovered} + S_{incinerator}}$ <p>Where:  <i>e</i> = sulfur recovery efficiency, %  <i>S<sub>recovered</sub></i> = elemental sulfur in pit, lb/hr  <i>S<sub>incinerator</sub></i> = sulfur in incinerator stack, lb/hr</p>

## SECTION 6 INAPPLICABLE REQUIREMENTS

The regulations identified in Table 6 do not apply to the facility as of the date of permit issuance. The basis for this determination is listed in Table 6.

Many regulations do not apply to the emission units at General Chemical, in a specific or even in a general sense. Only requirements that are legally binding should be placed in this Air Operating Permit. Table 6-1 lists requirements that are deemed inapplicable to the facility. The basis for each determination of inapplicability is included.

**Table 6-1 Requirements Inapplicable to General Chemical**

Citation	Title	Basis
NWCAA 320	Registration Required	Registration is not required for this source because it is required to apply for and receive an air operating permit under NWCAA 326 or Chapter 173-401 WAC.
NWCAA 324.1	Registration fee	A registration fee under NWCAA Section 326.43 is not required because this source is subject to the operating permit program and must pay an annual operating fee.
NWCAA 400	Ambient Air Quality Standards - Forward	Ambient air quality standards.
NWCAA 401	Suspended Particulate Standards (PM <sub>10</sub> )	Ambient air quality standards.
NWCAA 402	Particulate Fallout Standard	Ambient air quality standards.
NWCAA 403	Particulate Matter (PM <sub>2.5</sub> ) standard	Ambient air quality standards.
NWCAA 420	Carbon Monoxide Standards	Ambient air quality standards.
NWCAA 422	Nitrogen Oxides Standards	Ambient air quality standards.
NWCAA 424	Ozone Standards	Ambient air quality standards.
NWCAA 426	Hydrocarbons	Ambient air quality standards.
NWCAA 428	Hazardous Air Pollutants	Ambient air quality standards.
NWCAA 450	Emissions Standards - Forward	NWCAA administrative rule.
NWCAA 458	Incinerators - Wood waste Burners	No affected sources.
NWCAA 460	Weight/Heat Standard-Emission of Sulfur Compounds	The facility does not have a total potential heat input capacity greater than 500 MMBtu per hour.
NWCAA 560	Storage of Organic Liquid	No affected sources
NWCAA 580 except 580.7	Volatile Organic Compound Control	No affected sources
NWCAA 600 through 603	Ambient air quality objectives, areas	These objectives apply to ambient air rather than emissions from a specific source.

Citation	Title	Basis
40 CFR 60.18	General Control Device Requirements (Flare)	Flare used at General Chemical is not an NSPS control device.
40 CFR Part 50 (all)	National Ambient Air Quality Standards	Not applicable to individual sources.
NSPS 40 CFR Part 60 Subpart D	Standards of Performance for Fossil-Fired Steam Generation Units for Which Construction is Commenced After 8/17/71.	No affected sources.
NSPS 40 CFR Part 60 Subpart Da	Standards of Performance for Electric Utility Steam Generation Units for Which Construction is Commenced After 9/18/78	No affected sources.
NSPS 40 CFR Part 60 Subpart Db	Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units	No affected sources.
NSPS 40 CFR Part 60 Subpart J, except for 40 CFR 60.104(a)(2)(i), 40 CFR 60.105(a)(5), 40 CFR 60.105 (e)(4) , and 40 CFR 60.107(d), (f) & (g)	Standards of Performance for Petroleum Refineries	No affected sources.
NSPS 40 CFR Part 60 Subpart Kb	Standards of Performance for Volatile Organic Liquid Storage Vessels for Which Construction, Reconstruction, or Modification Commenced After 7/23/84	No affected sources.
NSPS 40 CFR Part 60 Subpart GG	Standards of Performance for Stationary Gas Turbines	No affected sources.
NSPS 40 CFR Part 60 Subpart VV	Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemical Manufacturing Industry	No affected sources.
NSPS 40 CFR Part 60 Subpart QQQ	Standards of Performance for VOC Emissions from Petroleum Refinery Wastewater Systems	No affected sources
WAC 173-400-101 (7); RCW 70.94.161 (17)	Registration	Operating Permit sources are not required to register or pay registration fees.
WAC 173-400-104	Registration Fees	Operating Permit sources are not required to register or pay registration fees.
WAC 173-400-112	Requirements for New Sources in Non-Attainment Areas	Source not located in non-attainment area.

Citation	Title	Basis
WAC 173-400-190	Requirements for Non-Attainment Areas	Source not located in non-attainment area.
WAC 173-425-010	Purpose	Ecology administrative rule.
WAC 173-425-055	Exceptions	No affected sources. This rule is included in the approved SIP; however, it was repealed 1/1/93.
WAC 173-425-075	Commercial Open Burning	This rule is included in the approved SIP; however, it was repealed 1/1/93.
WAC 173-425-095	No Burn Area Designation	This rule is included in the approved SIP; however, it was repealed 1/1/93.
WAC 173-425- 130	Notice of Violation	This rule is included in the approved SIP; however, it was repealed 1/1/93.
WAC 173-425-140	Remedies	Ecology administrative rule. This rule is included in the approved SIP; however, it was repealed 1/1/93.
Chapter 173-434 WAC (all)	Solid Waste Incinerator Facilities	No affected sources.
Chapter 173-470 WAC (all)	Ambient Air Quality Standards for Particulate Matter	Ambient air quality standards are not affected to individual sources.
Chapter 173-474 WAC (all)	Ambient Air Quality Standards for Sulfur Oxides	Not applicable affected to individual sources.
Chapter 173-475 WAC (all)	Ambient Air Quality Standards for Carbon Monoxide, Ozone, and Nitrogen Dioxide	Not applicable affected to individual sources.
Chapter 173-490 WAC (all)	Emission Standards and Controls for Sources Emitting VOC	No affected sources
RCW 70.94.650	Burning Permits for Week Abatement, Fire Fighting Instruction, or Agricultural Activities	Facility does not engage in the type of activity cited in the regulation.