northwest Clean Air agency

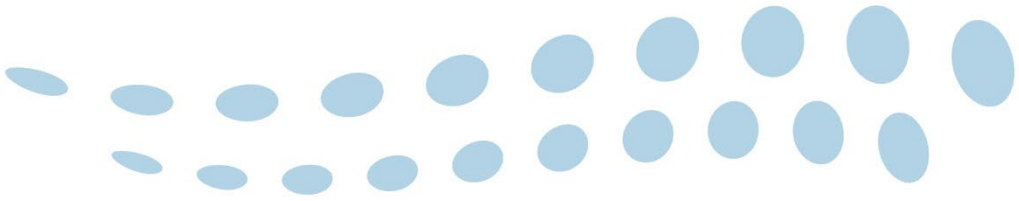
Serving Island, San Juan, Skagit and Whatcom Counties

Air Operating Permit—Draft AOP #020R3

Chemco, Inc.

Ferndale, Washington

5/19/2026



PERMIT INFORMATION

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Corporate Responsible Official

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Expires: Last Renewal + 5 years

Renewal Application Due: Last Renewal + 4 years

ATTEST

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

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

Northwest Clean Air Agency Approval:

Date:	Date:
Pamela Crooks, EIT Chemical Engineer	Agata McIntyre, P.E. Engineering Manager

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SECTION 1 EMISSION UNIT DESCRIPTIONS

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

Table 1-1: Emission Units

Emission Unit Name/Description	Monitoring/Control Device	Applicable Orders/Permits/Regulations	Comments
EU-1: Chemical Batch Plant	Condenser Wet Scrubber	NWCAA OAC 758 40 CFR 63 Subpart FFFF 40 CFR 63 Subpart UU	Batch reactor for production of fire retardant resins (SIC 2899). Tank (T-101)- Formaldehyde & Methanol (12,000 gal, TVP 0.77 PSIA) Fugitive emissions from regulated emission components.
EU-2: Boiler	Flue Gas Recirculation	NWCAA OAC 1271a 40 CFR 60 Subpart Dc 40 CFR 63 Subpart DDDDD	12.248 MMBTU/hr, Natural gas fired, FGR and low NOx burner.
EU-3: Drying Kilns (5)	None	NWCAA Approval Letter (9/18/1988) NWCAA OAC 758	Kilns 1 & 2: Each 250,000 BF Capacity Kilns 3 & 4: Each 30,000-50,000 BF Capacity (depends on lumber dimensions) Test Kiln: 1,000 BF Capacity
EU-4: Storage Tanks	None	None	T-102 Aqueous Solution (12,000 gal, TVP 0.08 PSIA) T-105 Concentrated Fire Retardant Solution (5,000 gal, TVP 0.0025 PSIA)

SECTION 2 STANDARD TERMS AND CONDITIONS

Terms and conditions in this section are administrative requirements or requirements that have no ongoing compliance monitoring from the Federal Clean Air Act (FCAA), Washington Administrative Code (WAC), or Northwest Clean Air Agency (NWCAA) regulations. Some requirements have been paraphrased for brevity. The language of the cited regulation takes precedence over a paraphrased requirement.

In accordance with WAC 173-401-625(2) (11/4/1993), citations in Section 2 designated "State Only" are not enforceable by the EPA Administrator or by citizens under the FCAA. They are not in the current Washington State Implementation Plan (SIP) approved by the Environmental Protection Agency (EPA) as listed in 40 CFR 52.2470(c) Tables 1 or 5 and are not WAC Title 173 Chapter 401 requirements delegated to NWCAA by the Washington Department of Ecology (Ecology).

"State only" WAC citations in effect as of March 15, 2025 are enforceable by NWCAA because they are adopted by reference in NWCAA 104.1 as amended July 10, 2025. All other terms and conditions are enforceable by NWCAA, EPA, and citizens under the authority of the FCAA.

Requirements labeled *"Directly Enforceable"* are legally enforceable requirements added into the AOP by NWCAA under either "gap-filling" authority (WAC 173-401-615(1)(b) & (c), (10/17/2002)) or "sufficiency monitoring" authority (WAC 173-401-630(1), (3/5/2016)) as cited in each permit term.

2.1 Compliance Requirements

2.1.1 Duty to Comply

2.1.1.1 *WAC 173-401-620(2)(a) (3/15/2025)*

The permittee must comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of Revised Code of Washington (RCW) 70A.15 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 *State Only: NWCAA 322.3 (7/10/2025)*

It shall be unlawful for any person to cause or allow the operation of any source 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 *State Only: WAC 173-400-230(2), -240 (3/15/2025), NWCAA Section 131, 132, & 133 (7/10/2025), and Section 113 of the FCAA*

Any person who violates any of the provisions of RCW 70A.15 or 70A.25, violates any of the rules in force under such chapters, including the Regulation of the NWCAA, fails to take action as specified by an order issued pursuant to this chapter, or who commits or omits an act which procures, aids, or abets in the violation may incur a civil penalty in an amount as set forth in RCW 70A.15.3160 and NWCAA Section 133.

Persons in violation of RCW 70A.15, or any ordinance, resolution, or regulation in force pursuant thereto, may be subject to the criminal penalty provisions of RCW 70A.15.3150 and NWCAA Section 132.

At least 30 days prior to commencement of any formal enforcement action under RCW 70A.15.3150, RCW 70A.15.3160, or NWCAA Sections 132 or 133, the NWCAA shall serve written

notice of violation (NOV) to the alleged violator. The notice shall specify the provisions, orders, rules, or regulations alleged to be violated, and the facts alleged to constitute a violation thereof. The notice may also include an order pursuant to NWCAA Section 121 directing that necessary corrective action be taken within a reasonable time, or the NWCAA may require the alleged violator appear before the Pollution Control Hearings Board (PCHB) for a hearing pursuant to NWCAA Section 120. The notice shall offer the opportunity to meet with the NWCAA prior to commencement of enforcement action.

The NWCAA may require the alleged violator to respond in writing or in person within 30 days of the notice and specify the corrective action being taken. Failure to respond shall constitute a prima facie violation of this Regulation and the NWCAA may initiate action pursuant to NWCAA Sections 132, 133, 134, and 135.

2.1.2.2 *State Only: WAC 173-400-250 (9/20/1993) and NWCAA 133.2 (7/10/2025)*

Penalties, decisions, and orders issued may be appealed to the PCHB within 30 days after the NOV is served.

2.1.3 Need to Halt or Reduce Activity Not a Defense

WAC 173-401-620(2)(b) (3/15/2025)

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

2.1.4 Duty to Provide Information

WAC 173-401-620(2)(e) (3/15/2025)

The permittee shall furnish to the permitting authority, within a reasonable time, any information that the permitting authority may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the permitting authority copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to the administrator along with a claim of confidentiality. The permitting authority shall maintain confidentiality of such information in accordance with RCW 70A.15.2510.

2.1.5 Confidential Information

2.1.5.1 *State Only: NWCAA Section 114 (7/10/2025)*

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

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

2.1.6 Inspection and Entry

WAC 173-400-105(3) (9/20/1993) and WAC 173-401-630(2) (3/5/2016)
State Only: WAC 173-400-105(3) (3/15/2025) and NWCAA Sections 110 & 111 (7/10/2025)

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

State Only: NWCAA Section 110 (7/10/2025)

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

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

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

2.1.8 Source Testing

2.1.8.1 *WAC 173-400-105(4) (9/20/1993)*

To demonstrate compliance, NWCAA may conduct or require that a test be conducted of the source using approved EPA methods which are adopted by reference or approved procedures published by Ecology. The operator of a source may be required to provide the necessary platform and sampling ports to perform a test of an emissions unit. NWCAA 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) (3/15/2025)*

To demonstrate compliance, the required test must be conducted using approved EPA methods from 40 CFR Parts 51, 60, 61 and 63 (in effect on February 12, 2025) or procedures contained in "*Source Test Manual – Procedures for Compliance Testing*," published by Ecology, as of February 12, 2025. All other language is the same as 2.1.8.1.

2.1.8.3 *State Only: NWCAA Section 367 and Appendix A (7/10/2025)*

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

(i) A source test plan shall be submitted by email to the NWCAA at sourcetest@nwcleanairwa.gov for approval for all compliance source tests at least 30 days prior to scheduled testing. A summary of the test shall accompany the test plan and be submitted on a template provided by the NWCAA.

(ii) Once a test plan has been approved, any changes in test dates or methodology shall require NWCAA approval.

(iii) Results of required source tests must be submitted by email to sourcetest@nwcleanairwa.gov within 60 days of completion of the test unless prior approval is granted by NWCAA.

2.1.9 Testing and Sampling

2.1.9.1 *NWCAA 360.1 (2/14/1973)*

Any person operating or using any article, machine, equipment or other contrivance shall provide and maintain such sampling and testing facilities as specified in the Order of Approval to Construct (OAC) or the AOP.

2.1.9.2 *State Only: NWCAA Section 367 and Appendix A (7/10/2025)*

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

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

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

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

2.1.10 Ambient Air and Continuous Emission Monitoring

2.1.10.1 *NWCAA 365.1 (2/8/1989)*

Any person operating an air contaminant source or an AOP 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 may be cause for a NOV to be issued.

All data and records shall be made available to the Control Officer upon request.

All instruments used to monitor compliance or for special studies must meet appropriate EPA performance specifications (40 CFR 60, Appendix B) and shall be calibrated and maintained in accordance with the procedures approved by the Control Officer.

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

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

2.1.10.2 *State Only: NWCAA Section 367 and Appendix A (7/10/2025)*

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

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

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

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

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

Auditing of opacity monitors shall be conducted according to recommended procedures. Data accuracy assessments shall be conducted at least once every calendar quarter for gaseous monitors and at appropriate periodic intervals. Relative Accuracy Test Audits (RATA), Relative Accuracy Audits (RAA) and Cylinder Gas Audits (CGA) shall be employed as described in 40 CFR Part 60 (or 40 CFR Part 75 if the facility is subject to acid rain regulations).

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

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

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

(i) Time, date, magnitude, and cause of all emissions or temperatures which exceed the applicable standard(s).

(ii) The cause and time periods of any bypass of the air pollution control equipment.

(iii) The cause and time periods of CEMS downtime not associated with routine QA or maintenance operations.

(iv) Data availability for each CEMS, listed by unit and parameter.

(v) Supplemental report for system with ≤90 percent monthly data availability.

(vi) Other data or information as required by the Control Officer.

2.1.11 Credible Evidence

40 CFR 51.212(c), 40 CFR 52.12, and 40 CFR 52.33 (2/24/1997)

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

2.2 Permit Terms

2.2.1 Permit Expiration and Renewal

WAC 173-401-610 (11/4/1993) and WAC 173-401-710 (10/17/2002)

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

2.2.2 Permit Actions

WAC 173-401-620(2)(c) (3/15/2025)

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) (3/15/2025)

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

2.2.4 Emission Reduction Credits

WAC 173-400-131 and WAC 173-400-136 (4/1/2011)
State Only: WAC 173-400-136 (12/29/2012)

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

2.2.5 **Severability**

WAC 173-401-620(2)(h) (3/15/2025)

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) and WAC 173-401-735 (3/15/2025)

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

2.2.7 **Permit Continuation**

WAC 173-401-620(2)(j) (3/15/2025)

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

2.2.8 **Reopening for Cause**

WAC 173-401-730 (11/4/1993)

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

(i) Additional requirements become applicable to the source with a remaining permit term of three or more years. Such a reopening shall be completed not later than 18 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 and WAC 173-401-724 (3/15/2025)

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 (3/15/2025) and WAC 173-401-725 (11/4/1993)

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

2.2.11 Property Rights

WAC 173-401-620(2)(d) (3/15/2025)

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 (4/11/2019)*
State Only: NWCAA Section 200 (8/8/2024)

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

2.2.13 Compliance Schedule

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

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

2.2.14 Permit Fees

2.2.14.1 *WAC 173-401-620(2)(f) (3/15/2025)*

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

2.2.14.2 *State Only: NWCAA 322.4 (7/10/2025)*

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

2.2.15 Transfer or Permanent Shutdown

2.2.15.1 *NWCAA Section 325 (2/14/1973)*

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

2.2.15.2 *State Only: NWCAA Section 325 (7/10/2025)*

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

The registered owner or operator shall report the transfer of ownership or permanent shutdown of a registered source to the NWCAA within 90 days of shutdown or transfer. The new owner of a registered source shall file a written report with the NWCAA within 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.

Upon permanent shutdown, the source no longer has authorization to operate and any associated Orders become invalid. Prior to resumption of operation after a permanent shutdown, the source shall obtain, as applicable, a new OAC as a new source and re-register.

2.3 Permit Shield

2.3.1 Shield Requirement

WAC 173-401-640(1) (11/4/1993)

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

2.3.2 Inapplicable Requirements

WAC 173-401-640(2) (11/4/1993)

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

2.3.3 Exclusions

WAC 173-401-640(4) (11/4/1993)

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

(i) Provisions of Section 303 of the FCAA (emergency orders), including the authority of the EPA Administrator under that section,

(ii) Liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance,

(iii) Ability of EPA to obtain information from a source pursuant to Section 114 of the FCAA, or,

(iv) Ability of the permitting authority to establish or revise requirements for the use of reasonably available control technology (RACT) as provided in RCW 70A.15.2230.

2.3.4 Reasonably Available Control Technology

2.3.4.1 *WAC 173-401-605(3) (11/4/1993)*

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

2.3.4.2 *WAC 173-400-040 (9/20/1993)*

All emissions units are required to use RACT which may be determined for some sources or source categories to be more stringent than the applicable emission limitations of any chapter of

Title 173 WAC. Where current controls are determined to be less than RACT, Ecology or the NWCAA shall, as provided in section 8, chapter 252, Laws of 1993, define RACT for each source or source category and issue a rule or regulatory order requiring the installation of RACT.

2.3.4.3 *State Only: WAC 173-400-040(1) (3/15/2025)*

All emissions units are required to use RACT which may be determined for some sources or source categories to be more stringent than the applicable emission limitations of any chapter of Title 173 WAC. Where current controls are determined to be less than RACT, the permitting authority shall, as provided in RCW 70A.15.2230, define RACT for each source or source category and issue a rule or regulatory order requiring the installation of RACT.

2.3.4.4 *State Only: NWCAA Section 309 (7/10/2025)*

Reasonably Available Control Technology (RACT) is required for all existing sources except as otherwise provided in RCW 70A.15.3000. Where current controls are determined by the NWCAA to be less than RACT, the NWCAA shall define RACT for that source or source category and issue a rule or an order under NWCAA Section 121 requiring the installation of RACT. Emission standards and other requirements contained in rules or regulatory orders in effect at the time of operating permit issuance shall be considered RACT for purposes of operating permit issuance or renewal.

2.4 Recordkeeping and Reporting

2.4.1 Compliance Certification

2.4.1.1 *WAC 173-401-630(5) (3/5/2016)*

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

(i) Identification of each term and condition of the permit that is the basis of the certification,

(ii) Compliance status,

(iii) Whether the compliance was continuous or intermittent, and,

(iv) Methods used for determining the compliance status of the source, currently and over the reporting period. These methods must be consistent with the permit Monitoring, Recordkeeping, and Reporting requirements.

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

U.S. EPA, Region 10,
Mail Stop: 20-C04
Attn: Clean Air Act Compliance Manager
1200 Sixth Avenue, Suite 155
Seattle, WA 98101

Northwest Clean Air Agency
Preferred:
facilityreports@nwcleanairwa.gov
Alternative:
Air Operating Permits
1600 South Second Street
Mount Vernon, WA 98273-5202

2.4.1.2 *WAC 173-401-520 (11/4/1993)*

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

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

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

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

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

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

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

2.4.2.1 *State Only: NWCAA Section 112 (7/10/2025)*

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

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

2.4.3 Required Recordkeeping

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

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

(i) Date, time, and location of sampling or measurements;

(ii) Operating conditions existing at the time of sampling or measurement; and

(iii) If analyses were performed, the date, company or entity performing the analyses, the analytical techniques or methods used, and the results of such analyses.

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

Records of all required monitoring data and support information shall be retained for a period of five years from the date of the monitoring sample, measurement, report, or application. Support

information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit.

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

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

2.4.4 Pollutant Disclosure - Reporting by Air Contaminant Sources

2.4.4.1 *NWCAA Section 150 (9/8/1993) and WAC 173-400-105(1) (9/20/1993)*

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

(i) The nature of the enterprise,

(ii) A list of process materials which are potentially significant sources of emissions used in, and incidental to, its manufacturing processes, including any by-products and waste products, and,

(iii) An estimated annual total production of wastes discharged into the air in units and contaminants designated by the NWCAA that may include stack and fugitive emissions of particulate matter, PM_{10}, sulfur dioxide, carbon monoxide, total reduced sulfur compounds (TRS), fluorides, lead, VOCs, and other contaminants.

Annual emission reports shall be submitted to the NWCAA within 105 days after the end of the previous calendar year. If the emission report is not submitted by the required date and the emissions are used to determine operating permit fees as described in NWCAA 324.1 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) (3/15/2025)*

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

The owner or operator must submit the calendar year annual emissions inventory no later than April 15th after the end of the calendar year for which the emissions inventory was requested. If April 15th falls on a weekend, then the deadline to file shall be the next business day.

2.4.4.3 *State Only: NWCAA Section 150 (7/10/2025)*

In addition to the requirements of 2.4.4.1, every person operating a registered air contaminant source or a Chapter 401 source, as defined in WAC 173-401-200, which includes portable sources, shall file annually and on forms furnished by the NWCAA a report including the estimated calendar year emissions which may include each criteria air pollutant, hazardous air pollutant, toxic air pollutant, and volatile organic compounds. Every person filing an annual emissions inventory shall retain at the facility the calculations, associated production data, and emission factors used to obtain the estimates.

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

2.4.5 Greenhouse Gas (GHG) Reporting

2.4.5.1 *State Only: WAC 173-441-030(1), (2), (5), and (6) (3/12/2022)*

GHG reporting is mandatory for:

(i) An owner or operator of any facility listed in WAC 173-441-120 that emits 10,000 metric tons CO2e or more per calendar year in total GHG emissions as calculated according to WAC 173-441-030(1)(b), and,

(ii) An owner or operator of any supplier with total GHG emissions in Washington that exceed 10,000 metric tons of CO2e or more per calendar year as calculated according to WAC 173-441-030(2)(b).

A person may choose to voluntarily report to Ecology GHG emissions that are not required to be reported under WAC 173-441-030(1) or (2). Persons voluntarily reporting GHG emissions must use the methods established in WAC 173-441-120(3), and 173-441-122(1)(c) to calculate any voluntarily reported GHG emissions.

Once a reporter is subject to the requirements of this chapter, the person must continue for each year thereafter to comply with all requirements of this chapter, including the requirement to submit annual GHG reports, even if the reporter does not meet the applicability requirements in WAC 173-441-030(1) or (2) of this section in a future year, except as provided in WAC 173-441-030(6)(a)-(c).

2.4.5.2 *State Only: WAC 173-441-050 (1/3/2025)*

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

Beginning calendar year 2012 for existing reporters, the annual GHG report shall contain the information required per WAC 173-441-050(3) and (4) and be submitted to Ecology no later than March 31st of each calendar year for GHG emissions in the previous calendar year if the facility is required to report or is voluntarily reporting GHG emissions under WAC 173-441-030.

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

Retain all required records for at least 10 years in a form that is suitable for expeditious inspection and review, including a GHG monitoring plan per WAC 173-441-050(6)(e).

2.4.5.3 *State Only: WAC 173-441-060 and -070 (3/12/2022)*

Each such submission shall be signed by a representative designated in accordance with WAC 173-441-060 and 40 CFR 3.10 as adopted on October 13, 2005.

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

2.4.5.4 *State Only: WAC 173-441-100 (3/12/2022)*

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

(iii) Greenhouse Gas Reporting, Air Quality Program
Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

(iv) ghgreporting@ecy.wa.gov

2.4.6 Reporting to Verify Emissions from Potential PSD Sources

State Only: WAC 173-400-720(4)(b)(iii)(G) (1/19/2023)

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

The owner or operator shall submit a report to NWCAA within 60 days after the end of the year during which records must be generated under paragraph 40 CFR 52.21 (r)(6)(iii) setting out the unit's annual emissions, as monitored pursuant to 40 CFR 52.21 (r)(6)(iii), during the calendar year that preceded submission of the report. The report shall include the emissions in tons per year for the project, the baseline actual emissions and the pre-construction projected emissions.

2.4.7 Reporting of Deviations from Permit Conditions

WAC 173-401-615(3)(b) (10/17/2002)
Directly enforceable under WAC 173-401-615(1)(b) & (c) (10/17/2002)

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

(i) In the case where the deviation represents a potential threat to human health or safety "prompt" means as soon as possible, but in no case later than twelve hours after the deviation is discovered. A follow up report on the deviation shall be included in the next monthly report.

(ii) For all other deviations, the deviation shall be reported as part of the next routine monitoring report, but no later than 30 days after the end of the month during which the deviation is discovered, whichever is sooner.

2.4.8 Report of Breakdown and Upset

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

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

(i) The upset or breakdown shall be reported as promptly as possible and in no event later than 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 the NWCAA Regulation nor from the resulting liabilities for failure to comply.

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

2.4.8.2 *State Only: NWCAA 340.1, 340.2 and 340.3 (7/10/2025)*

If a breakdown or upset condition occurs which results in or may have resulted in an exceedance of an emission and/or ambient air quality standard established by this Regulation or an emission release to the air that requires NWCAA notification as specified in 40 CFR 302 (CERCLA) or 40 CFR 355 (SARA), the owner or operator of the source shall take the following actions:

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

(iv) The responsible official or his designee shall submit a full report on forms provided by the NWCAA within 30 days after the end of a calendar month in which the upset occurred and must include as a minimum the known causes, corrective action taken, preventive measures put in place to reduce the possibility of or eliminate a recurrence, and an estimate of the quantity of emissions above the applicable limit caused by the event.

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

(v) Any control equipment is turned off, broken down or otherwise inoperative, and a notice of breakdown has not been filed under Section 340.1, or

(vi) Any other equipment creates new or increased emissions to the atmosphere as the result of being turned off, broken down or otherwise inoperative, and a notice of breakdown has not been filed under NWCAA 340.1.

2.4.9 Report of Shutdown or Startup

2.4.9.1 *NWCAA Section 341 (9/8/1993)*

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

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

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

2.4.9.2 *State Only: NWCAA Section 341 (7/10/2025)*

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

The advanced notification shall include a general schedule of steps to be taken to minimize the release of air contaminants to the atmosphere including the reasons for and duration of the proposed shutdown or startup, the nature of the action to be taken, the date and time for the action and an estimate of the anticipated rate and concentration of emission.

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

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

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

2.4.10 **Operation and Maintenance**

2.4.10.1 *NWCAA Section 342 (9/8/1993)*

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

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

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

2.4.10.2 *State Only: NWCAA Section 342 (7/10/2025)*

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

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

2.5 **Excess Emissions**

2.5.1 **Excess Emissions**

2.5.1.1 *WAC 173-400-107 (9/20/1993)*

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

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

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

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

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

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

(ii) The event was not of a recurring pattern indicative of inadequate design, operation, or maintenance; and

(iii) The permittee took immediate and appropriate corrective action in a manner consistent with good air pollution control practice for minimizing emissions during the event, taking into account the total emissions impact of the corrective action, including slowing or shutting down the emission unit as necessary to minimize emissions, when the operator knew or should have known that an emission standard or permit condition was being exceeded.

2.5.1.2 *State Only: WAC 173-400-108 and -109 (9/16/2018)*

The permittee shall:

(i) Notify the permitting authority. When excess emissions represent a potential threat to human health or safety, the owner or operator must notify the permitting authority by

phone or electronic means as soon as possible, but not later than 12 hours after the excess emissions were discovered. For all other excess emissions, the owner or operator must notify the permitting authority in a report as provided in subsection (ii) of this section.

(ii) Report. The owner or operator must report all excess emissions to the permitting authority as provided in WAC 173-401-615(3) and subsection (iii) of this section.

(iii) For an excess emission event that the owner or operator claims was unavoidable under WAC 173-400-109, the report must also include the following information:

a. Properly signed contemporaneous records or other relevant evidence documenting the owner or operator's actions in response to the excess emissions event;

b. Information on whether installed emission monitoring and pollution control systems were operating at the time of the exceedance. If either or both systems were not operating, information on the cause and duration of the outage; and

c. All additional information required under WAC 173-400-109(5) supporting the claim that the excess emissions were unavoidable.

Excess emissions determined to be unavoidable under the procedures and criteria in this section are violations of the applicable statute, rule, permit, or regulatory order. The permitting authority determines whether excess emissions are unavoidable based on the information supplied by the source and the criteria in WAC 173-400-109(5).

Excess emissions determined by the permitting authority to be unavoidable are a violation subject to WAC 173-400-230 (3), (4), and (6) but not subject to civil penalty under WAC 173-400-230(2).

The owner or operator of a source shall have the burden of proving to the permitting authority in an enforcement action that excess emissions were unavoidable. This demonstration shall be a condition to obtaining relief under WAC 173-400-109(5).

WAC 173-400-109 does not apply to an exceedance of an emission standard in 40 C.F.R. Parts 60, 61, 62, 63, and 72, or a permitting authority's adoption by reference of these federal standards.

Excess emissions that occur due to an upset or malfunction during a startup or shutdown event are treated as an upset or malfunction under WAC 173-400-109(5).

Excess emissions due to an upset or malfunction will be considered unavoidable provided the source reports as required by WAC 173-400-108 and adequately demonstrates to the permitting authority that:

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

(v) The event was not of a recurring pattern indicative of inadequate design, operation, or maintenance;

(vi) When the operator knew or should have known that an emission standard or other permit condition was being exceeded, the operator took immediate and appropriate corrective action in a manner consistent with safety and good air pollution control practice for minimizing emissions during the event, taking into account the total emissions impact of the corrective action. Actions taken could include slowing or shutting down the emission unit as necessary to minimize emissions;

(vii) If the emitting equipment could not be shutdown during the malfunction or upset to prevent the loss of life, prevent personal injury or severe property damage, or to minimize overall emissions, repairs were made in an expeditious fashion;

(viii) All emission monitoring systems and pollution control systems were kept operating to the extent possible unless their shutdown was necessary to prevent loss of life, personal injury, or severe property damage;

(ix) The amount and duration of the excess emissions (including any bypass) were minimized to the maximum extent possible; and

(x) All practicable steps were taken to minimize the impact of the excess emissions on ambient air quality.

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

State Only: NWCAA 340.4 and 341.4 (7/10/2025)

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

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

(ii) The event was not of a recurring pattern indicative of inadequate design, operation, or maintenance;

(iii) The operator took immediate and appropriate corrective action in a manner consistent with good air pollution control practice; and

(iv) The emissions did not result in a violation of an ambient air quality standard.

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

2.6 Duty to Supplement or Correct Information

WAC 173-401-500(6) (3/15/2025)

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

2.7 Prohibitions

2.7.1 Concealment and Masking

2.7.1.1 *WAC 173-400-040(7) (9/20/1993)*
2.7.1.2 *State Only: WAC 173-400-040(8) (3/15/2025)*

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

2.7.1.3 *State Only: NWCAA Section 540 (7/10/2025)*

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

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

2.7.2 Adjustment for Atmospheric Conditions

WAC 173-400-205 (3/22/1991)

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

2.7.3 Outdoor Burning

2.7.3.1 *WAC 173-425-036 (10/18/1990) and WAC 173-425-045 (1/3/1989), WAC 173-435-050(2) (1/3/1989) Although SIP-Approved, WAC 173-425-036, –045, and -055 (referenced below) have been repealed.*

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

2.7.3.2 *State Only: WAC 173-425-040, 050, and 060 (4/13/2000), NWCAA Section 502 (7/10/2025)*

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

2.7.4 Asbestos

2.7.4.1 *State Only: NWCAA Section 570 (7/10/2025)*

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

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

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

2.7.5 Stratospheric Ozone and Climate Protection

2.7.5.1 *40 CFR 82 Subpart F (3/11/2020)*

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

2.7.5.2 *State Only: RCW 70A.15.6410 (1991 c 199 § 602)*

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

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

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

State Only: NWCAA Section 124 (7/10/2025)

Any order, registration certificate, or other certificate obtained by the Regulations of the NWCAA shall be available on the premises designated on the order or certificate. If the NWCAA requires a notice to be displayed, it shall be posted. No one shall mutilate, obstruct or remove any notice unless authorized to do so by the NWCAA.

2.7.7 Obstruction of Access

State Only: RCW 70A.15.2500 (1987 c 109 § 38)

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

2.7.8 False Statement, Representation or Certification

State Only: WAC 173-400-105(6) (3/15/2025)

No person shall make any false material statement, representation or certification in any form, notice or report required under chapter 70A.15 or 70.120 RCW, or any ordinance, resolution, regulation, permit, or order in force pursuant thereto.

2.7.9 Inaccurate Monitoring

State Only: WAC 173-400-105(8) (3/15/2025)

No person shall render inaccurate any monitoring device or method required under chapter 70A.15 or 70.120 RCW, or any ordinance, resolution, regulation, permit, or order in force pursuant thereto.

2.7.10 Prevention of Accidental Release

40 CFR 68 (12/3/2018)

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

2.7.11 Cutback Asphalt Paving

NWCAA 580.7 (4/14/1993)

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

2.7.12 Creditable Stack Height and Dispersion Techniques

WAC 173-400-200 (2/10/2005)

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

2.8 Notice of Construction and Application for Approval/New Source Review

2.8.1 Minor New Source Review (NSR)

2.8.1.1 *NWCAA Sections 300 (4/11/2019), 324.2 (10/13/1994), WAC 173-400-111 (7/1/2016), and -113 (12/29/2012)*

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

2.8.1.2 *State Only: WAC 173-460-010 through -030 (6/20/2009), -040 (12/23/2019), -050 through -071 (6/20/2009), -080 (12/23/2019), -090 and -100 (6/20/2009), -140 (9/18/1991), -150 (12/23/2019), NWCAA Sections 300, 303, and 324.2 (7/10/2025)*

For purposes of this section "establishment" shall mean to "begin actual construction" as that phrase is defined in NWCAA Section 200, and "new source" shall include any "modification" to an existing "stationary source" as those terms are defined in NWCAA Section 200.

When actual construction has begun on a new source or modification for which a NOC is required and a final OAC has not been issued, the control officer may conduct an investigation as part of the NOC application review. An investigation fee, in addition to the fees of NWCAA 324.2, may be assessed.

2.8.2 Nonroad Engines

State Only: NWCAA Section 304 (7/10/2025)

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

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

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

2.8.3 General Order

2.8.3.1 *NWCAA 121.4 (11/15/1988)*

Any orders issued by NWCAA are subject to appeal.

2.8.3.2 *State Only: WAC 173-400-560 (12/29/2012) NWCAA 121.4 (7/10/2025)*

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

2.8.4 Requirements to Comply

NWCAA 300.13 (4/11/2019)
State Only: NWCAA 300.13 (7/10/2025)

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 OAC.

2.8.5 Prevention of Significant Deterioration (PSD)

WAC 173-400-117 (12/29/2012)
State Only: WAC 173-400-700 (4/1/2011), -710 (7/1/2016), -720 (1/19/2023), -730 (7/1/2016), -740 (3/15/2025), -750 (12/29/2012)

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

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

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

State Only: NWCAA 300.25 (7/10/2025)

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

2.8.7 Major Stationary Source and Major Modification in a Nonattainment Area

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

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

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

2.9 Greenhouse Gas Regulation

WAC 173-401-200 (19) & (35) (3/15/2025)

Greenhouse gases (GHGs), the air pollutant defined in 40 CFR 86.1818-12(a) as the aggregate group of six greenhouse gases: Carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, shall not be subject to regulation under this chapter unless, as of January 2, 2011, the GHG emissions are at a stationary source emitting or having

the potential to emit 100,000 tpy CO_2 equivalent emissions and the source is otherwise required to have an operating permit.

The term "tpy (tons per year) CO_2 equivalent emissions" (CO_{2e}) shall represent an amount of GHGs emitted, and shall be computed by multiplying the mass amount of emissions (tpy), for each of the six greenhouse gases in the pollutant GHGs, by the gas's associated global warming potential published at Table A-1 to subpart A of 40 CFR Part 98 - Global Warming Potentials, and summing the resultant value for each to compute a tpy CO_{2e}.

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

SECTION 3 STANDARD TERMS AND CONDITIONS FOR NSPS AND NESHAP

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

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

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

All of the federal regulations listed in Section 3 in effect as of October 18, 2023 have been adopted by reference in Section 104.2 of the NWCAA Regulation. NWCAA 104.2 was last amended by the agency on July 10, 2025.

3.1 Part 60 – New Source Performance Standard Requirements

3.1.1 Address for Reports, Notifications, and Submittals

40 CFR 60.4(a) and (b) (4/25/1975) (as amended by Delegation Letter dated 1/7/2025 from Krishna Viswanathan, Director of the Office of Air and Radiation, EPA Region 10 to Mark Buford, Director of NWCAA)

Send notifications, reports, and applications for delegated New Source Performance Standards (NSPS) to the NWCAA at the following address:

Preferred:
Via email at facilityreports@nwcleanairwa.gov
Alternative:
Northwest Clean Air Agency
1600 S. Second Street
Mount Vernon, WA 98273-5202

Send notifications, reports, and applications under NSPS authorities that have been excluded from delegation to the EPA at the following address*:*

Preferred:
Through the Compliance and Emissions Data Reporting Interface (CEDRI) at cdx.epa.gov

Alternative:
Clean Air Act Compliance Manager
US EPA Region 10, Mail Stop: 20-C04
1200 Sixth Avenue, Suite 155
Seattle, WA 98101

3.1.2 Notification

40 CFR 60.7(a) (2/12/1999)

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 within 30 days after such date.

(ii) The actual date of initial startup of an affected facility, postmarked within 15 days after such date.

(iii) 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, postmarked 60 days or as soon as practicable before the change is commenced. 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) The date upon which demonstration of the continuous monitoring system performance commences in accordance with 40 CFR 60.13(c), postmarked at least 30 days prior to such date.

(v) The anticipated date for conducting the opacity observations required by 40 CFR 60.11(e)(1), postmarked at least 30 days prior to such date.

(vi) If COMS data results will be used to determine compliance with the applicable opacity standard during a performance test required by 40 CFR 60.8 in lieu of Method 9 observation data as allowed by 40 CFR 60.11(e)(5), postmarked at least 30 days prior to the date of the performance test.

3.1.3 Startup, Shutdown, and Malfunction Records

3.1.3.1 *40 CFR 60.7(b) (2/12/1999)*

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

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

Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test nor shall emissions in excess of the level of the applicable emission limit during periods of startup, shutdown, and malfunction be considered a violation of the applicable emission limit unless otherwise specified in the applicable standard.

3.1.4 Excess Emission Records

3.1.4.1 *40 CFR 60.7(c) and (d) (2/12/1999)*

If a continuous monitoring device is required, submit an excess emissions and monitoring systems performance report (as defined in applicable subparts) and/or a summary report form to the Administrator semiannually, except when: more frequent reporting is specifically required

in any subpart; or the Administrator determines that more frequent reporting is necessary. Postmark all reports by the 30th day following the end of each six-month period. Include the information in 40 CFR 60.7(c)(1)-(4) in the excess emissions report. Include the information in 60.7(d)(1)-(2) and 60.7(d) Figure 1 in the summary report.

3.1.5 Maintenance of Records

40 CFR 60.7(f) (2/12/1999)

Maintain a file of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by this part recorded in a permanent form suitable for inspection. Retain the file in accordance with 60.7(f).

Note: Under AOP Term 2.4.2, records of required monitoring data and support information shall be retained for a period of five years from the date of the monitoring sample, measurement, report, or application.

3.1.6 Performance Tests

40 CFR 60.8(a), (d), (e), and (f) (8/30/2016)

Within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of such facility, or as specified by 40 CFR Part 60, and as required by the Administrator, conduct performance test(s) and furnish the Administrator a written report of the results of such performance test(s), except as specified in paragraphs 60.8(a)(1)-(4).

Provide the Administrator at least 30 days prior notice of any performance test, except as specified under other subparts. Notify the Administrator as soon as possible of any delay in the original test date, either by providing at least seven days prior notice of the rescheduled date of the performance test, or by arranging a rescheduled date with the Administrator by mutual agreement.

Provide performance testing facilities as follows:

(i) Sampling ports adequate for test methods applicable to such facility,

(ii) Safe sampling platform(s),

(iii) Safe access to sampling platform(s), and,

(iv) Utilities for sampling and testing equipment.

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

Unless otherwise specified in a relevant standard or test method, or as otherwise approved by the Administrator in writing, include the elements identified in 60.8(f)(2)(i)-(vi) in the performance test report.

3.1.7 Test Method Performance Audit

40 CFR 60.8(g) (8/30/2016)

Include a test method performance audit (PA) during the performance test, as specified in 40 CFR 60.8(g).

Obtain an audit sample, if commercially available, from an Accredited Audit Sample Provider (AASP) for each test method used for regulatory compliance purposes. See 40 CFR 60.8(g)(1) for a list of test methods excluded from this requirement.

If no audit sample for a specific method can be found, consult https://www.epa.gov/emc/emc-technical-support#audit to confirm whether there is a source that can supply an audit sample for that method. If the EPA website does not list an available audit sample at least 60 days prior to the beginning of the compliance test, no audit sample is required as part of the quality assurance program for the compliance test.

Report the results for the audit sample along with a summary of the emission test results for the audited pollutant to the compliance authority and report the results of the audit sample to the AASP.

3.1.8 Compliance with Opacity Standards

40 CFR 60.11(b) and (c) (10/17/2000) (as amended by Delegation Letter dated 1/7/2025 from Krishna Viswanathan, Director of the Office of Air and Radiation, EPA Region 10 to Mark Buford, Director of NWCAA)

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

3.1.9 Operation and Maintenance

40 CFR 60.11(d) (10/17/2000)

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 at all times, including periods of startup, shutdown, and malfunction.

3.1.10 Credible Evidence

40 CFR 60.11(g) (10/17/2000)

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

3.1.11 Circumvention

40 CFR 60.12 (3/8/1974)

Do not build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere.

3.1.12 **Monitoring Requirements for Continuous Monitoring Systems**

40 CFR 60.13 (6/30/2016) (as amended by Delegation Letter dated 1/7/2025 from Krishna Viswanathan, Director of the Office of Air and Radiation, EPA Region 10 to Mark Buford, Director of NWCAA)

For COMS used to comply with an opacity standard, conduct a performance evaluation as specified in 40 CFR Part 60 Appendix B prior to performance testing per 60.8. Furnish the Administrator with a written report of the results of the performance evaluation at least 10 days before the performance test required under 60.8 is conducted.

For all continuous monitoring systems subject to 60.13, conduct a performance evaluation of the COMS or continuous emission monitoring system (CEMS) during any performance test required under 60.8 or within 30 days thereafter in accordance with the applicable performance specification in 40 CFR Part 60 Appendix B, or at such other times as may be required by the Administrator. Furnish the Administrator a written report of the results of the performance evaluation within 60 days of completion.

Owners and operators of a CEMS installed in accordance with the provisions of this part must check the zero and span calibration drifts at least once daily in accordance with a written procedure and adjust the zero and span when either exceeds the applicable performance specification (PS) in 40 CFR Part 60 Appendix B. The system must allow the amount of the excess zero and span drift to be recorded and quantified whenever specified.

Owners and operators of a COMS installed in accordance with the provisions of this part must check the zero and upscale calibration drifts at least once daily for comparison with the acceptable range as defined in the applicable version of PS 1 in 40 CFR 60 Appendix B, and the optical surfaces must be cleaned as detailed in 60.13(d)(1). Unless otherwise approved by the EPA, minimum procedures for the COMS must include an automated method for producing a simulated zero opacity condition and un upscale opacity condition as specified in 60.13(d)(2).

Except for system breakdowns, repairs, calibration checks, and zero and span adjustments required, continuously operate all continuous monitoring systems for measuring emissions. For CEMS, complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period. For COMS, 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 six-minute period.

Install all continuous monitoring systems or devices such that representative measurements of emissions or process parameters from the affected facility are obtained. Use the procedures for location of continuous monitoring systems in the applicable PS of 40 CFR 60 Appendix B.

Install a monitoring system on each effluent or combined effluent released to atmosphere subject to the same emissions standards. If two or more sources are not subject to the same emission standards, install a monitoring system on each effluent. If effluent is released to atmosphere through multiple points, continuous monitoring systems must be installed on each effluent unless the use of fewer systems is approved by the EPA.

Reduce all COMS data to six-minute averages calculated from 36 or more data points equally spaced over each six-minute period. Reduce all data for pollutants other than opacity to one-hour averages for time periods as defined in §60.2, calculated according to 60.13(h)(2).

For excess emissions, after conversion into units of the standard as specified in the applicable subpart, data may be rounded to the same number of significant digits used in the applicable subpart to specify the emission limit.

Written application for a monitoring alternative considered a 'major change to monitoring' as defined in 40 CFR 63.90 must be submitted to the EPA. Written application for a minor change to monitoring may be submitted to the Administrator. An alternative to the relative accuracy

(RA) test specified in PS 2 of 40 CFR 60 Appendix B may be requested from the Administrator as detailed in 60.13(j)(1). The Administrator may rescind the RA alternative according to 60.13(j)(2).

3.1.13 Modification

40 CFR 60.14 (10/17/2000)

Except as provided under paragraphs 60.14(e) and 60.14(f), any physical or operational change to an existing facility which results in an increase in the emission rate to the atmosphere of any pollutant to which a standard applies is considered a modification. Upon modification, an existing facility becomes an affected facility for each pollutant to which a standard applies and for which there is an increase in the emission rate to the atmosphere.

Achieve compliance with all applicable standards within 180 days of the completion of any modification.

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

40 CFR 60.4200(a)(4) (6/29/2021) and 60.4208 (6/28/2011)

It is prohibited to import or install stationary CI ICE with a displacement of less than 30 liters per cylinder that do not meet the following requirements:

(i) Stationary CI ICE with a maximum engine power of less than 19 kW (25 hp) (excluding fire pump engines) must meet the applicable requirements for 2008 model year engines.

(ii) Stationary CI ICE with a maximum engine power of greater than or equal to 19 kW (25 hp) and less than 56 kW (75 hp) must meet the applicable requirements for 2013 model year non-emergency engines.

(iii) Stationary CI ICE with a maximum engine power of greater than or equal to 56 kW (75 hp) and less than 130 kW (175 hp) must meet the applicable requirements for 2012 model year non-emergency engines.

(iv) Stationary CI ICE with a maximum engine power of greater than or equal to 130 kW (175 hp), including those above 560 kW (750 hp) must meet the applicable requirements for 2011 model year non-emergency engines.

(v) Stationary CI ICE with a maximum engine power of greater than or equal to 560 kW (750 hp) must meet the applicable requirements for 2015 model year non-emergency engines.

(vi) Stationary CI ICE with a maximum engine power greater than or equal to 600 kW (804 hp) and less than 2,000 kW (2,680 hp) and a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder must meet the applicable requirements for 2017 model year non-emergency engines.

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

3.2 Part 63 – National Emission Standard for Hazardous Air Pollutant

Requirements

3.2.1 Applicability

40 CFR 63.1 (1/7/2025)

Requirements apply to both HAP major and area sources, as noted in each relevant subpart. Major and area sources are defined in 40 CFR 63.2. Each relevant subpart in 40 CFR 63 identifies explicitly whether each provision of Subpart A is, or is not, included in such relevant standard.

A major source may become an area source at any time upon reducing its emissions of and potential to emit HAP to below the major source thresholds established in 40 CFR 63.2, unless, as listed in 40 CFR 63.1(c)(6)(iii), after September 10, 2024 the source is subject to one of the following 40 CFR 63 subparts: F, G, H, I, L, R, X, CC, GG, II, JJ, KK, LL, MM, EEE, JJJ, LLL, MMM, RRR, UUU, FFFF, JJJJ, MMMM, PPPP, ZZZZ, CCCCC, DDDDD, FFFFF, IIIII, LLLLL, YYYYY, JJJJJJ, EEEEEEE. The area source is subject to the standards, compliance dates and notification requirements specified in 40 CFR 63.1(c)(6)(i)(A).

3.2.2 Prohibited Activities and Circumvention

40 CFR 63.4 (4/5/2002)

Do not 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 granted by the Administrator or the President are not in violation of the requirements of this part.

Keep records, notify, report, or revise reports as required under this part.

Do not 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 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 or to achieve compliance with a relevant standard for visible emissions.

Fragmentation after November 15, 1990 will not affect applicability. Do 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.

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

40 CFR 63.5(b)(1), (3), (4), (6) (4/5/2002)

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

After the effective date of any relevant standard under this part, no person may construct or reconstruct an affected source or a major source such that it becomes an affected source that is major-emitting and subject to such standard without obtaining written approval in advance from the Administrator in accordance with the procedures in 63.5(d) and (e). Notify the Administrator of intended construction or reconstruction in accordance with the applicable procedures in 63.9(b).

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

3.2.4 **Operation and Maintenance**

3.2.4.1 *O&M for Part 63 NESHAP Sources (except for Subpart DDDD, FFFF, DDDDD)*
40 CFR 63.6(e)(1)(i),(ii), and (iii) (3/11/2021)

At all times, including periods of startup, shutdown, and malfunction, owners or operators must operate and maintain any affected source, including associated air pollution control and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. During a period of startup, shutdown, or malfunction, this general duty to minimize emissions requires that the owner or operator reduce emissions from the affected source to the greatest extent which is consistent with safety and good air pollution control practices. The general duty to minimize emissions during a period of startup, shutdown, or malfunction does not require the owner or operator to achieve emission levels that would be required by the applicable standard at other times if this is not consistent with safety and good air pollution control practices, nor does it require the owner or operator to make any further efforts to reduce emissions if levels required by the applicable standard have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

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.

3.2.4.2 *O&M for 40 CFR 63 Subpart DDDD (Plywood & Composite Wood Products)*
40 CFR 63.2250(g) (8/13/2020) and 63.36(e)(1)(iii) (3/11/2021)

You must always operate and maintain your affected source, including air pollution control and monitoring equipment in a manner consistent with good air pollution control practices for minimizing emissions at least to the levels required by this subpart. The general duty to minimize emissions does not require you to make any further efforts to reduce emissions if levels required by the applicable standard have been achieved. Determination of whether a source is operating in compliance with operation and maintenance requirements will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

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

3.2.4.3 *O&M for 40 CFR 63 Subpart FFFF (Misc. Organic Chemical Manufacturing) 40 CFR 63.2450(u) (4/4/2024) and 63.6(e)1(iii) (3/11/2021)*

At all times, you must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require you to make any further efforts to reduce emissions if levels required by the applicable standard have been achieved. Determination of whether a source is operating in compliance with operation and maintenance requirements will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

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

3.2.4.4 *O&M for 40 CFR 63 Subpart DDDDD (Boiler MACT) 40 CFR 63.7500(a)(3) (10/6/2022)*

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

3.2.5 Startup, Shutdown, and Malfunction Plan

3.2.5.1 *SSM Plans for Part 63 NESHAP Sources (except Subpart DDDD, FFFF, DDDDD) 40 CFR 63.6(e)(3) (3/11/2021)*

The owner or operator of an affected source must develop a written startup, shutdown, and malfunction plan that describes, in detail, procedures for operating and maintaining the source during periods of startup, shutdown, and malfunction, a program of corrective action for malfunctioning process, air pollution control, and monitoring equipment used to comply with the relevant standard. This plan shall be developed by the source's compliance date for the relevant standard.

When actions taken by the owner or operator during a startup or shutdown (and the startup or shutdown causes the source to exceed any applicable emission limitation in the relevant emission standards), or malfunction (including actions taken to correct a malfunction) are consistent with the procedures specified in the affected source's startup, shutdown, and malfunction plan, the owner or operator must keep records for that event which demonstrate that the procedures specified in the plan were followed. These records may take the form of a "checklist," or other effective form of recordkeeping that confirms conformance with the startup, shutdown, and malfunction plan and describes the actions taken for that event. In addition, the owner or operator must keep records of these events as specified in paragraph 63.10(b), including records of the occurrence and duration of each startup or shutdown (if the startup or shutdown causes the source to exceed any applicable emission limitation in the relevant emission standards), or malfunction of operation and each malfunction of the air pollution control and monitoring equipment. Furthermore, the owner or operator shall confirm that actions taken during the relevant reporting period during periods of startup, shutdown, and malfunction were consistent with the affected source's startup, shutdown and malfunction plan

in the semiannual (or more frequent) startup, shutdown, and malfunction report required in §63.10(d)(5).

If an action taken by the owner or operator during a startup, shutdown, or malfunction (including an action taken to correct a malfunction) is not consistent with the procedures specified in the affected source's startup, shutdown, and malfunction plan, and the source exceeds any applicable emission limitation in the relevant emission standard, then the owner or operator must record the actions taken for that event and must report such actions within 2 working days after commencing actions inconsistent with the plan, followed by a letter within 7 working days after the end of the event, in accordance with §63.10(d)(5) (unless the owner or operator makes alternative reporting arrangements, in advance, with the Administrator).
The owner or operator must maintain at the affected source a current SSMP and must make the plan available upon request for inspection and copying by the Administrator. In addition, if the SSMP is subsequently revised, the owner or operator must maintain at the affected source each previous (i.e., superseded) version of the SSMP, and must make each such previous version available for inspection and copying by the Administrator for a period of 5 years after revision of the plan. If at any time after adoption of a SSMP the affected source ceases operation or is otherwise no longer subject to the provisions of this part, the owner or operator must retain a copy of the most recent plan for 5 years from the date the source ceases operation or is no longer subject to this part and must make the plan available upon request for inspection and copying by the Administrator.
To satisfy the requirements of this section to develop a SSMP, the owner or operator may use the affected source’s standard operating procedures (SOP) manual, or an Occupational Safety and Health Administrations (OSHA) or other plan, provided the alternative plans meet all the requirements of this section and are made available for inspection when requested by the Administrator.

Based on the results of a determination made under paragraph 63.6(e)(1)(i) of this 40 CFR 63 Subpart, the Administrator may require than an owner or operator of an affected source make changes to the SSMP for that source. The Administrator may require reasonable revisions to a SSMP if the Administrator finds that the plan:

(i) Does not address a startup, shutdown, or malfunction event that has occurred;
(ii) 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;
(iii) Does not provide adequate procedures for correcting malfunctioning process and/or air pollution control and monitoring equipment as quickly as practicable; or
(iv) Includes an event that does not meet the definition of startup, shutdown, or malfunction listed in 40 CFR 63.2.

The owner or operator may periodically revise the startup, shutdown, and malfunction plan for the affected source as necessary to satisfy the requirements of this part or to reflect changes in equipment or procedures at the affected source. Unless the permitting authority provides otherwise, the owner or operator may make such revisions to the startup, shutdown, and malfunction plan without prior approval by the Administrator or the permitting authority. However, each such revision to a startup, shutdown, and malfunction plan must be reported in the semiannual report required by §63.10(d)(5). If the startup, shutdown, and malfunction plan fails to address or inadequately addresses an event that meets the characteristics of a malfunction but was not included in the startup, shutdown, and malfunction plan at the time the owner or operator developed the plan, the owner or operator must revise the startup, shutdown, and malfunction plan within 45 days after the event to include detailed procedures for operating and maintaining the source during similar malfunction events and a program of corrective action

for similar malfunctions of process or air pollution control and monitoring equipment. In the event that the owner or operator makes any revision to the startup, shutdown, and malfunction plan which alters the scope of the activities at the source which are deemed to be a startup, shutdown, or malfunction, or otherwise modifies the applicability of any emission limit, work practice requirement, or other requirement in a standard established under this part, the revised plan shall not take effect until after the owner or operator has provided a written notice describing the revision to the permitting authority.

3.2.6 **Compliance With Nonopacity Emission Standards**

3.2.6.1 *Nonopacity emission standards for Part 63 NESHAP Sources (except Subpart DDDD, FFFF, DDDDD)*
40 CFR 63.6(f)(1)-(3) (3/11/2021)

Non-opacity emission standards apply at all times except 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.

The Administrator will determine compliance with nonopacity emission standards, design, equipment, work practice, or operational standards.

3.2.6.2 *Nonopacity emission standards for Part 63 Subpart FFFF Sources (Misc. Organic Chemical Manufacturing)*
40 CFR 63.2445(g)(1) (8/12/2020) -> 63.2450(a)(2) (4/4/2024), 63.6(f)(2) & (3) (3/11/2021)

You must be in compliance with the emission limits and work practice standards in Tables 1 through 7 to this subpart at all times.

The Administrator will determine compliance with nonopacity emission standards, design, equipment, and work practice standards in 40 CFR 63 Subpart FFFF based on the results of performance tests conducted according to the procedures in 40 CFR 63.7, except as specified in 40 CFR 63.7520(a)-(c), review of records, inspection of the source, and by evaluation of an owner or operator's conformance with operation and maintenance requirements, including the evaluation of monitoring data, as specified in 40 CFR 63 FFFF.

3.2.6.3 *Nonopacity emission standards for Part 63 Subpart DDDDD Sources (Boiler MACT)*
40 CFR 63.6(f)(2) and (3) (3/11/2021), 40 CFR 63.7500(a)(3), (f), 40 CFR 63.7505(a) (10/6/2022)

The Administrator will determine compliance with nonopacity emission standards, design, equipment, and work practice standards in 40 CFR 63 Subpart DDDDD based on the results of performance tests conducted according to the procedures in 40 CFR 63.7, except as specified in 40 CFR 63.7520(a)-(c), review of records, inspection of the source, and by evaluation of an owner or operator's conformance with operation and maintenance requirements, including the evaluation of monitoring data, as specified in 40 CFR 63 DDDDD.

At all times, you must operate and maintain any affected source (as defined in 40 CFR 63.7490), including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions.

An affected source must be in compliance with the emission limits, work practice standards, and operating limits in this subpart. These emission and operating limits apply at all times the affected unit is operating except during periods of startup and shutdown during which time the affected source must comply only with items 5 and 6 of Table 3 to 40 CFR 63 Subpart DDDDD.

3.2.7 Compliance With Opacity and Visible Emission Standards

3.2.7.1 *Compliance with opacity and visible emission standards for Part 63 NESHAP Sources (except Subpart DDDD, FFFF, DDDDD) 40 CFR 63.6(h)(1) (3/11/2021)*

The opacity and visible emission standards set forth in this part must apply at all times except 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 opacity and visible emission standards set forth in this part, then that emission point shall still be required to comply with the opacity and visible emission standards and other applicable requirements.

3.2.8 Extension of Compliance for Early Reductions and Other Reductions

40 CFR 63.6(i) (3/11/2021) and 63.9(c) (9/10/2024), 63.7565 (11/20/2015)

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

40 CFR 63 Subpart DDDDD facilities may also request extensions of compliance for the installation of combined heat and power, waste heat recovery, or gas pipeline or fuel feeding infrastructure as a means of complying with this subpart.

3.2.9 Notification of Performance Tests

3.2.9.1 *Notification of Performance Tests for Part 63 NESHAP Sources 40 CFR 63.7(b) (11/14/2018) and 63.9(e) (9/10/2024)*

The owner or operator of an affected source shall notify the Administrator in writing of his or her intention to conduct a performance test at least 60 calendar days before the performance test is scheduled to begin to allow the Administrator to review and approve the site-specific test plan required under 40 CFR 63.7(c), if requested by the Administrator, and to have an observer present during the test.

3.2.10 Conduct of Performance Tests

3.2.10.1 *Conduct of Performance Tests for Part 63 NESHAP Sources (except Subpart DDDDD) 40 CFR 63.7 (11/14/2018), and 63.9(e) (9/10/2024)*

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

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

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

(i) Sampling ports adequate for test methods applicable to such facility.

(ii) Safe sampling platform(s).

(iii) Safe access to sampling platform(s).

(iv) Utilities for sampling and testing equipment.

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

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

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

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

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

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

3.2.10.1 *Conduct of Performance Tests for Part 63 DDDDD Sources (Boiler MACT) 40 CFR 63.7(a)-(d), (e)(2)-(h) (11/14/2018), 63.9(e) (9/10/2024)*

If required to do performance testing by a relevant standard, the owner or operator of the affected source must perform such tests within 180 days of the compliance date and under conditions as specified in 40 CFR 63.7520(a)-(c).

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

(i) Sampling ports adequate for test methods applicable to such facility.

(ii) Safe sampling platform(s).

(iii) Safe access to sampling platform(s).

(iv) Utilities for sampling and testing equipment.

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

compliance with an applicable standard, the arithmetic means of results of the three runs shall apply.

Report the results of the performance test to the Administrator before the close of business on the 60th day following the completion of the performance test, unless specified otherwise in a relevant standard. Include the analysis of samples, determination of emissions, and raw data. Include a test method performance audit (PA) during the performance test, as specified in 40 CFR 63.7(c)(2)(iii).

Obtain an audit sample, if commercially available, from an AASP for each test method used for regulatory compliance purposes. See 40 CFR 63.7(c)(2)(iii)(A) for a list of test methods excluded from this requirement. If the source owner, operator, or representative cannot find an audit sample for a specific method, consult https://www.epa.gov/emc/emc-technical-support#audit, to confirm whether there is a source that can supply an audit sample for that method.

Report the results for the audit sample along with a summary of the emission test results for the audited pollutant to the Administrator and report the results of the audit sample to the AASP. The test protocol and final test report shall document whether an audit sample was ordered and utilized and the pass/fail results as applicable.

3.2.11 Address for Reports, Notifications and Submittals

40 CFR 63.9(a) (9/10/2024), 63.10(a), 63.12(c), 63.13 (10/31/2024), (as amended by Delegation Letter dated 1/7/2025 from Krishna Viswanathan, Director of the Office of Air and Radiation, EPA Region 10 to Mark Buford, Director of NWCAA)

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

Preferred: facilityreports@nwcleanairwa.gov
Alternative:
Northwest Clean Air Agency
1600 South Second Street
Mount Vernon, WA 98273-5202

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

Director, Office of Air Quality
US EPA Region 10
1200 Sixth Avenue, (OAQ-107)
Seattle, WA 98101

All information required to be submitted to the EPA under this part also shall be submitted to the appropriate state agency of any state to which authority has been delegated under section 112(l) of the Act, provided that each specific delegation may exempt sources from a certain federal or state reporting requirement. Any information required to be submitted electronically by this part via the EPA's CEDRI may, at the discretion of the delegated authority, satisfy the requirements of this paragraph. The Administrator may permit all or some of the information to be submitted to the appropriate state agency only, instead of to the EPA and the state agency with the exception of federal electronic reporting requirements under this part. Sources may not be exempted from federal electronic reporting requirements.

3.2.12 **Notification**

3.2.12.1 *Notification Requirements for New or Reconstructed Part 63 NESHAP Sources*
40 CFR 63.9(b)(4) (9/10/2024)

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

(i) A notification of intention to construct a new major-emitting affected source, reconstruct a major-emitting affected source, or reconstruct a major source such that the source becomes a major-emitting affected source with the application for approval of construction or reconstruction as specified in 63.5(d)(1)(i); and

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

3.2.12.2 *Notification Requirements for Existing Part 63 NESHAP Sources*
40 CFR 63.9(b)(2) and (j) (9/10/2024)

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

(i) The name and address of the owner or operator;

(ii) The address (i.e., physical location) of the affected source;

(iii) An identification of the relevant standard, or other requirement that is the basis of notification and the source's compliance date;

(iv) A brief description of the nature and size, design, and method of operation of the source and an identification of the types of emission points within the affected source subject to the relevant standard and the types of hazardous air pollutants emitted; and

(v) A statement of whether the affected source is a major source or an area source.

Any change in the information already provided under this section shall be provided to the Administrator within 15 calendar days after the change. The owner or operator of a major source that reclassifies to area source status is also subject to the notification requirements of this paragraph. The owner or operator may use the application for reclassification with the regulatory authority (e.g., permit application) to fulfill the requirements of this paragraph. A source which reclassified after January 25, 2018, and before January 19, 2021, and has not yet provided the notification of a change in information is required to provide such notification no later than February 2, 2021, according to the requirements of paragraph (k) of 40 CFR 63.9. Beginning January 19, 2021, the owner or operator of a major source that reclassifies to area source status must submit the notification according to the requirements of paragraph (k) of 40 CFR 63.9. A notification of reclassification must contain the following information:

(vi) The name and address of the owner or operator;

(vii) The address (i.e., physical location) of the affected source;

(viii) An identification of the standard being reclassified from and to (if applicable); and

(ix) Date of effectiveness of the reclassification.

3.2.13 **Recordkeeping**

3.2.13.1 *Recordkeeping for Part 63 NESHAP Sources (except for Subpart DDDDD where 63.10(b)(3) does not apply)*
40 CFR 63.10(b)(1) and (3) (11/19/2020)

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

If an owner or operator determines that his or her existing or new stationary source is in the source category regulated by a standard established pursuant to section 112 of the Act, but that source is not subject to the relevant standard (or other requirement established under this part) because of enforceable limitations on the source's potential to emit, or the source otherwise qualifies for an exclusion, the owner or operator must keep a record of the applicability determination. The applicability determination must be kept on site at the source for a period of 5 years after the determination, or until the source changes its operations to become an affected source subject to the relevant standard (or other requirement established under this part), whichever comes first if the determination is made prior to January 19, 2021. The applicability determination must be kept until the source changes its operations to become an affected source subject to the relevant standard (or other requirement established under this part) if the determination was made on or after January 19, 2021. The record of the applicability determination must be signed by the person making the determination and include an emissions analysis (or other information) that demonstrates the owner or operator's conclusion that the source is unaffected (e.g., because the source is an area source). The analysis (or other information) must be sufficiently detailed to allow the Administrator to make an applicability finding for the source with regard to the relevant standard or other requirement. If applicable, the analysis must be performed in accordance with requirements established in relevant subparts of this part for this purpose for particular categories of stationary sources. If relevant, the analysis should be performed in accordance with EPA guidance materials published to assist sources in making applicability determinations under section 112 of the Act, if any.

3.2.14 **Startup, Shutdown, and Malfunction Recordkeeping and Reports**

3.2.14.1 *SSM Recordkeeping and Reports for Part 63 NESHAP Sources (except Subpart DDDD, FFFF, DDDDD)*
40 CFR 63.10(b)(2) and (d)(5) (11/19/2020)

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) Actions taken during periods of startup or shutdown when the source exceeded applicable emission limitations in a relevant standard

(v) All results of opacity and visible emission observations;

(vi) 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 § 63.10(f);

(vii) 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 Administrator 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).

3.2.14.2 *SSM Recordkeeping & Reports for 40 CFR 63 Subpart FFFF (Misc. Organic Chemical Manuf.)*
40 CFR 63.10(b)(2)(iii), (viii), (xii), (xiv) (11/19/2020)

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

(i) All required maintenance performed on the air pollution control and monitoring equipment;

(ii) All results of opacity and visible emission observations;

(iii) 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 § 63.10(f);

(iv) All documentation supporting initial notifications and notifications of compliance status under § 63.9.

3.2.14.3 *SSM Recordkeeping & Reports for 40 CFR 63 Subpart DDDDD (Boiler MACT) Affected Sources*
40 CFR 63.10(b)(2)(i), (iii), (vi)-(xiv) (11/19/2020), 40 CFR 63.7555(d)(7) and 63.7550(c)(5)(xiii) and (xviii) (11/20/2015)

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) All required maintenance performed on the air pollution control and monitoring equipment;

(iii) All results of opacity and visible emission observations;

(iv) 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;

(v) All documentation supporting initial notifications and notifications of compliance status under 63.9; and,

(vi) Actions taken during periods of malfunction to minimize emission in accordance with the general duty to minimize emissions in 63.7500(a)(3), including corrective actions to restore the malfunctioning boiler or process heater, air polllution control, or monitoring equipment to its normal or usual manner of operation.

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

Report each instance of startup and shutdown, including the information required to be monitored, collected, or recorded according to the requirements of §63.7555(d)

3.2.15 **Reports**

3.2.15.1 *Report Requirements for Part 63 Subpart FFFF Affected Sources 63.2520 (a), (b), (c), (e) (4/4/2024)*

Submit each report in Table 11 to 40 CFR 63 FFFF that applies.

Unless the Administrator has approved a different schedule for submission of reports, subsequent compliance report must cover the semiannual reporting period from January 1 through June 30 or the semiannual reporting period from July 1 through December 31. The compliance report must be postmarked or delivered no later than August 31 or February 28, whichever date is the first date following the end of the semiannual reporting period.

You must submit a precompliance report to request approval for any of these items:
(i) Requests for approval to set operating limits for parameters other than those specified in §§ 63.2455 through 63.2485.
(ii) Data and rationale used to support an engineering assessment to calculate uncontrolled emissions in accordance with § 63.1257(d)(2)(ii).

You must submit a compliance report that contains:

(i) Company name and address;

(ii) Statement by a responsible official with that official's name, title, and signature, certifying the accuracy of the content of the report. If your report is submitted via CEDRI, the certifier's electronic signature during the submission process replaces this requirement.

(iii) Date of report and beginning and ending dates of the reporting period. You are no longer required to provide the date of report when the report is submitted via CEDRI.

(iv) The compliance report must contain the information on deviations including:

a. If there are no deviations from any emission limit, operating limit or work practice standard specified in this subpart, include a statement that there were no deviations from the emission limits, operating limits, or work practice standards during the reporting period.

b. For each deviation from an emission limit, operating limit, and work practice standard that occurs at an affected source where you are not using a continuous monitoring system (CMS) to comply with the emission limit or work practice standard in this subpart, you must include (including periods of SSM):

i. The total operating time in hours of the affected source during the reporting period.

ii. Report information for each deviation to meet an applicable standard. For each instance, report the start date, start time, and duration in hours of each deviation. For each deviation, the report must include a list of the affected sources or equipment, an estimate of the quantity in pounds of each regulated pollutant emitted over any emission limit, a description of the method used to estimate the emissions, the cause of the deviation (including unknown cause, if applicable), as applicable, and the corrective action taken.

(v) Include each new operating scenario which has been operated since the time period covered by the last compliance report and has not been submitted in the notification of compliance status report or a previous compliance report. For each new operating scenario, you must report the information specified in § 63.2525(b) and provide verification that the operating conditions for any associated control or treatment device have not been exceeded and that any required calculations and engineering analyses have been performed. A revised operating scenario for an existing process is considered to be a new operating scenario.

(vi) Except as specified in 63.2480(f) of this section, applicable records and information for periodic reports as specified in referenced UU of this part.

(vii) Except as specified in paragraph a of this section, whenever you make a process change, or change any of the information submitted in the notification of compliance status report or a previous compliance report, that is not within the scope of an existing operating scenario, you must document the change in your compliance report. A process change does not include moving within a range of conditions identified in the standard batch, and a nonstandard batch does not constitute a process change.

The notification must include:

i. A description of the process change.

ii. Revisions to any of the information reported in the original notification of compliance status report.

iii. Information required by the notification of compliance status report for changes involving the addition of processes or equipment at the affected source.

You must submit a report 60 days before the scheduled implementation date of any of the following changes:

i. Any change to the information contained in the precompliance report.
ii. A change in the status of a control device from small to large.
iii. A change from Group 2 to Group 1 for any emission point except for batch process vents that meet the conditions specified in § 63.2460(b)(6)(i)

Submit reports following the procedure specified in § 63.9(k), except any medium submitted through mail must be sent to the attention of the Miscellaneous Organic Chemical Manufacturing Sector Lead. You must use the appropriate electronic report template on the CEDRI website (*https://www.epa.gov/electronic-reporting-air-emissions/cedri*) for this subpart.

3.2.15.2 *Report Requirements for Part 63 Subpart DDDDD Affected Sources 40 CFR 63.7550 and Table 9 (11/20/2015)*

Submit each report in Table 9 to 40 CFR 63 DDDDD that applies.

Unless the Administrator has approved a different schedule for submission of reports, submit each report by the date in Table 9 and according to the requirements in paragraphs (i) through (iv) of this term. For units that are subject only to a requirement to conduct subsequent annual, biennial, or 5-year tune-up according to 63.7540(a)(10), (11), or (12), respectively, and not subject to emission limits or 40 CFR 63 DDDDD Table 4 operating limits, submit only an annual, biennial, or 5-year compliance report, as applicable, as specified in paragraphs (i) through (iv) of this section, instead of a semi-annual compliance report.

(i) The first semi-annual compliance report must cover the period beginning on the compliance date that is specified for each boiler or process heater in 63.7495 and ending on June 30 or December 31, whichever date is the first date that occurs at least 180 days after the compliance date that is specified for your source in 63.7495. If submitting an annual, biennial, or 5-year compliance report, the first compliance report must cover the period beginning on the compliance date that is specified for each boiler or process heater in 63.7495 and ending on December 31 within 1, 2, or 5 years, as applicable, after the compliance date that is specified for your source in 63.7495.

(ii) The first semi-annual compliance report must be postmarked or submitted no later than July 31 or January 31, whichever date is the first date following the end of the first calendar half after the compliance date that is specified for each boiler or process heater in 63.7495. The first annual, biennial, or 5-year compliance report must be postmarked or submitted no later than January 31.

(iii) Each subsequent semi-annual compliance report must cover the semiannual reporting period from January 1 through June 30 or the semiannual reporting period from July 1 through December 31. Annual, biennial, and 5-year compliance reports must cover the applicable 1-, 2-, or 5-year periods from January 1 to December 31.

(iv) Each subsequent semi-annual compliance report must be postmarked or submitted no later than July 31 or January 31, whichever date is the first date following the end of the semiannual reporting period. Annual, biennial, and 5-year compliance reports must be postmarked or submitted no later than January 31.

(v) For each affected source that is subject to permitting regulations pursuant to part 70 or part 71 of this chapter, and if the permitting authority has established dates for submitting semiannual reports pursuant to 70.6(a)(3)(iii)(A) or 71.6(a)(3)(iii)(A), you may submit the first and subsequent compliance reports according to the dates the

permitting authority has established in the permit instead of according to the dates in paragraphs (i) through (iv) of this term.

If the facility is subject to the requirements of a tune up you must submit a compliance report with the information in paragraphs (vi) through (x) of this section.

(vi) Company and Facility name and address.

(vii) Process unit information, emissions limitations, and operating parameter limitations.

(viii) Date of report and beginning and ending dates of the reporting period.

(ix) Include the date of the most recent tune-up for each unit subject to only the requirement to conduct an annual, biennial, or 5-year tune-up according to 63.7540(a)(10), (11), or (12) respectively. Include the date of the most recent burner inspection if it was not done annually, biennially, or on a 5-year period and was delayed until the next scheduled or unscheduled unit shutdown.

(x) Statement by a responsible official with that official's name, title, and signature, certifying the truth, accuracy, and completeness of the content of the report.

Submit all reports required by Table 9 of this subpart electronically via CEDRI. (CEDRI can be accessed through the EPA's CDX.) You must use the appropriate electronic report in CEDRI for this subpart. Instead of using the electronic report in CEDRI for this subpart, you may submit an alternate electronic file consistent with the XML schema listed on the CEDRI Web site (http://www.epa.gov/ttn/chief/cedri/index.html), once the XML schema is available. If the reporting form specific to this subpart is not available in CEDRI at the time that the report is due, submit the report to the Administrator at the appropriate address listed in 63.13. Begin submitting reports via CEDRI no later than 90 days after the form becomes available in CEDRI.

3.2.16 **Deviation Recordkeeping**

3.2.16.1 *Deviation Recordkeeping for 40 CFR 63 Subpart FFFF Affected Sources 40 CFR 63.2525(l)*

For each deviation from an emission limit, operating limit, or work practice standard, you must keep a record of the information specified in (i) through (iii) of this section.

(i) In the event that an affected unit does not meet an applicable standard, record the number of deviations. For each deviation record the date, time, and duration of each deviation.

(ii) For each deviation from an applicable standard, record and retain a list of the affected sources or equipment, an estimate of the quantity of each regulated pollutant emitted over any emission limit and a description of the method used to estimate the emissions.

(iii) Record actions taken to minimize emissions in accordance with § 63.2450(u) and any corrective actions taken to return the affected unit to its normal or usual manner of operation.

The records shall be maintained as specified in § 63.10(b)(1) of subpart A.

3.2.17 **Notification of Compliance Status (NCS)**

3.2.17.1 *NCS for Part 63 NESHAPs Sources (except Subpart FFFF, DDDDD) 40 CFR 63.9(h) (9/10/2024)*

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

(i) the methods that were used to determine compliance;

(ii) the results of any performance tests, opacity or visible emission observations, continuous monitoring system (CMS) performance evaluations, and/or other monitoring procedures or methods that were conducted;

(iii) the methods that will be used for determining continuing compliance, including a description of monitoring and reporting requirements and test methods;

(iv) the type and quantity of hazardous air pollutants emitted by the source (or surrogate pollutants if specified in the relevant standard), reported in units and averaging times and in accordance with the test methods specified in the relevant standard;

(v) if the relevant standard applies to both major and area sources, an analysis demonstrating whether the affected source is a major source (using the emissions data generated for this notification);

(vi) a description of the air pollution control equipment (or method) for each emission point, including each control device (or method) for each hazardous air pollutant and the control efficiency (percent) for each control device (or method); and,

(vii) a statement by the owner or operator of the affected existing, new, or reconstructed source as to whether the source has complied with the relevant standard or other requirements.

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

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

3.2.17.2 *NCS for 40 CFR 63 Subpart FFFF (Misc. Organic Chemical Manuf.) Affected Sources*
40 CFR 63.9(h)(3) (9/10/2024)

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

following completion of the relevant compliance demonstration activity specified in the relevant standard.

3.2.17.3 *NCS for 40 CFR 63 Subpart DDDDD (Boiler MACT) Affected Sources 40 CFR 63.7545(a), (e), (e)(1), and (e)(6) (10/06/2022)*

The requirements for Notifications of Compliance Status for Subpart DDDDD affected sources are the same as noted in 3.2.17.1 with the following clarifications, exceptions, or differences:

The NCS shall be submitted by close of business on the 60th day following the completion of all performance test and/or other initial compliance demonstrations for all boiler or process heaters at the facility according to §63.10(d)(2). It shall include a signed certification that all the work practice standards have been met. Also, it should include a description of the affected units including identification of which subcategories the unit is in, the design heat input capacity of the unit, a description of the add-on controls used on the unit to comply with this subpart, description of the fuel(s) burned, and justification for the selection of fuel(s) burned during the compliance demonstration.

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

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

SECTION 4 GENERALLY APPLICABLE REQUIREMENTS

The cited requirements in the "Citation" column and incorporated herein by reference are applicable plant-wide at the source, including insignificant emission units. These requirements are federally enforceable unless identified as "State Only". A requirement designated "State Only" is enforceable only by the NWCAA, and not by the EPA or through citizen suits. "State Only" WAC citations in effect as of July 10, 2025 are enforceable by NWCAA because they are adopted by reference in NWCAA 104.1, as amended July 10, 2025. All of the federal regulations in effect as of July 10, 2025 listed in Section 4 have been adopted by reference in NWCAA 104.2, as amended July 10, 2025.

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

The requirements in the MR&R column labeled as *"Directly Enforceable"* are legally enforceable requirements added under either the NWCAA's "gap-filling" authority (WAC 173-401-615(1)(b) & (c), (10/17/2002)), or the NWCAA's "sufficiency monitoring" authority (WAC 173-401-630(1), (3/5/2016)), as cited in each permit term. Other requirements not labeled *"Directly Enforceable"* are brief descriptions of the regulatory requirements for information purposes, and are not enforceable. Unless the text of the MR&R column is specifically identified to be directly enforceable, the language of the cited regulation takes precedence over a paraphrased requirement.

Table 4-1 Generally Applicable Requirements

Permit Term	Citation	Description	Monitoring, Recordkeeping, & Reporting
4.1 General	WAC 173-401-615(3) (10/17/2002) WAC 173-401-630(1) (3/5/2016) WAC 173-401-520 (11/4/1993) 40 CFR 60 Subpart A 60.19(c) (2/12/1999) 40 CFR 63 Subpart A 63.10(a)(5) (11/19/2020)	Required Monitoring Reports 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.	*Directly Enforceable:* Monthly reports shall cover a calendar month, quarterly reports shall cover a calendar quarter, six-month reports shall cover January through June and July through December, and annual reports shall cover a calendar year. The reports shall be submitted within 30 days after the close of the period that the reports cover, except when the reporting deadline is specified in a permit term including, but not necessarily limited to; Term 2.1.8.3- Source testing Term 2.4.1.1- Annual AOP certification Term 2.4.4.3– Annual emissions inventory Term 5.1.13 – Semiannual FFFF report – Leaks Term 5.2.1 – Annual boiler tune-up All required reports must be certified by a responsible official consistent with WAC 173-401-520. If the report submittal deadline falls on a weekend, then the deadline to submit shall be the next business day.
4.2 General	NWCAA Section 342 (9/8/1993) (7/10/2025 State Only) WAC 173-401-615(1)(b) & (c) (10/17/2002)	Operation and Maintenance Sources are required to keep any process and/or air pollution control equipment in good operating condition and repair.	Operating instructions and maintenance schedules for process and/or control equipment must be available on site. *Directly Enforceable:* Monitor, keep records and report in accordance with the terms of this permit.

Permit Term	Citation	Description	Monitoring, Recordkeeping, & Reporting
4.3 Nuisance	NWCAA Section 530 (7/10/2025 State Only) WAC 173-401-615(1)(b) & (c) (10/17/2002)	<u>General Nuisance</u> No person shall discharge from any source quantities of air contaminants, with the exception of odors, in sufficient amounts and of such characteristics and duration as is likely to be injurious or cause damage to human health, plant or animal life, or property; or which unreasonably interferes with enjoyment of life and property. An air contaminant is defined as "dust, fumes, mist, smoke, other particulate matter, vapor gas, odorous substance, or any combination thereof.	*Directly Enforceable:* A written air contaminant complaint response plan will be maintained at the facility. Upon receiving an air contaminant complaint from the NWCAA or the public, all possible sources of the nuisance emissions at the facility shall be checked for proper operation. Problems identified shall be repaired or corrected as soon as practicable. If the problems identified cannot be repaired or corrected within 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. 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. Receipt of a nuisance complaint in itself shall not necessarily be a violation.
4.4 Nuisance	WAC 173-400-040(5) (9/20/1993) WAC 173-400-040(6) (3/15/2025 State Only) WAC 173-401-615(1)(b) & (c) (10/17/2002)	<u>Emission Detrimental to Persons or Property</u> No person shall cause or allow the emission of any air contaminant from any source if it is detrimental to the health, safety, or welfare of any person, or causes damage to property or business.	
4.5 Odor	NWCAA Section 535 (7/10/2025 State Only) WAC 173-401-615(1)(b) & (c) (10/17/2002)	<u>Odor Control Measures</u> Appropriate practices and control equipment shall be installed and operated to reduce odor-bearing gases emitted into the atmosphere to a reasonable minimum. 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. 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.	

Permit Term	Citation	Description	Monitoring, Recordkeeping, & Reporting
4.6 Odor	WAC 173-400-040(5) (3/15/2025 State Only) WAC 173-401-615(1)(b) & (c) (10/17/2002)	Odors Source may not generate odors which may unreasonably interfere with property use and must use recognized good practice and procedures to reduce odors to reasonable minimum.	*Directly Enforceable:* Follow MR&R under AOP Term 4.3.
4.7 Odor	OAC Condition 4 (9/19/88) WAC 173-401-630(1) (3/5/2016)	Odors Odors shall not be detected offsite in amounts considered a nuisance by NWCAA personnel.	
4.8 Formal-dehyde	Approval Letter (9/15/81)	Formaldehyde Ground level concentration of formaldehyde shall not exceed 0.05 parts per million at the property line.	
4.9 PM	NWCAA Section 550 (4/14/1993) WAC 173-401-615(1)(b) & (c) (10/17/2002)	Preventing Particulate Matter from Becoming Airborne Best Available Control Technology (BACT) is required to prevent the release of fugitive matter to the ambient air. Nuisance particulate fallout is prohibited.	*Directly enforceable:* Chemco shall conduct a facility-wide inspection for fugitive dust and track-out at least once per calendar quarter. If, at any time, fugitive dust or track-out is observed, Chemco shall initiate corrective action as soon as possible, but no later than 24 hours of identification or the unit or activity shall be shut down until the problem can be corrected. Record quarterly inspections: including date and time of each inspection, results of the inspection, any corrective action taken. If corrective action is taken, include the date and time corrective action was taken.

Permit Term	Citation	Description	Monitoring, Recordkeeping, & Reporting
4.10 PM	NWCAA Section 550 (7/10/2025 State Only) WAC 173-401-615(1)(b) & (c) (10/17/2002)	Preventing Particulate Matter from Becoming Airborne The owner or operator of a source or activity that generates fugitive dust, including, but not limited to, material handling, building construction or demolition, abrasive blasting, roadways, and lots, shall employ reasonable precautions to prevent fugitive dust from becoming airborne and must maintain and operate the source or activity to minimize emissions. It shall be unlawful for any person to cause or allow the emission of particulate matter which becomes deposited upon the property of others in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property.	*Directly enforceable:* Follow MR&R under AOP Term 4.9.
4.11 PM	WAC 173-400-040(3) (3/15/2025 State Only) WAC 173-401-615(1)(b) & (c) (10/17/2002)	Fallout Source may not generate the emission of particulate matter to be deposited beyond the property line in sufficient quantity to interfere unreasonably with the use and enjoyment of the property upon which the material is deposited.	
4.12 PM	WAC 173-400-040(3)(a) (9/20/1993) WAC 173-400-040(4) (3/15/2025 State Only) WAC 173-401-615(1)(b) & (c) (10/17/2002)	Fugitive Emissions Take reasonable precautions to prevent the release of air contaminants from an emissions unit engaging in materials handling, construction, demolition, or other operation which is a source of fugitive emissions. If the emissions unit has been identified as a significant contributor to the nonattainment status of a designated nonattainment area, the owner or operator shall be required to use reasonable and available control methods, which shall include any necessary changes in technology, process, or other control strategies to control emissions of the air contaminants for which nonattainment has been designated.	

Permit Term	Citation	Description	Monitoring, Recordkeeping, & Reporting
4.13 PM	WAC 173-400-040(8)(a) (9/20/1993) WAC 173-400-040(9) (3/15/2025 State Only) WAC 173-401-615(1)(b) & (c) (10/17/2002)	Fugitive Dust Reasonable precautions to prevent release of fugitive dust required. Maintain and operate source to minimize emissions. The owner or operator of any existing source or activity that generates fugitive dust that has been identified as a significant contributor to a PM_{10} or $PM_{2.5}$ nonattainment area is required to use reasonably available control technology to control emissions. Significance will be determined by the criteria found in WAC 173-400-113(4) (2/12/2025 State Only).	*Directly enforceable:* Follow MR&R under AOP Term 4.9.

Permit Term	Citation	Description	Monitoring, Recordkeeping, & Reporting
4.14 VE	NWCAA 451.1 (10/13/1994) WAC 173-401-615(1)(b) & (c) (10/17/2002)	Emission of Air Contaminant - Visual Standard No person shall cause or permit the emission, for any period aggregating more than three minutes in any one hour, of an air contaminant from any source which, at the point at emission, or within a reasonable distance of the point of emission, exceeds 20% opacity except: When there is valid data to show that the opacity is in excess of 20% as a result of the presence of condensed water droplets, and that the concentration of the particulate matter, as shown by a source test approved by the Control Officer, is less than 0.10 (0.23 g/m^3) grain/dscf.	*Directly enforceable:* Observe stacks, building vents, and openings at least quarterly while process equipment is operating to determine whether there are visible emissions (VE). If, at any time, visible emissions are observed, take at least one of the following actions within 24 hours or it will be considered prima facie evidence that all applicable opacity limits have been exceeded. • Complete action that returns visible emissions to a non-visible level. • Shutdown the unit until appropriate corrective action can be taken. • Observe and record VE using a certified observer in accordance with EPA Method 9 and daily thereafter until opacity is shown to be less than the applicable standard. If EPA Method 9 shows emissions in excess of an applicable standard, determine opacity according to Ecology Method 9A. For all visible emission observations; record the date and time of each observation, background conditions, and name of observer. For observations where visible emissions are observed, also record emission unit(s) observed, related equipment or operational failures, and actions taken. Report exceedance of the visible emission standard according to AOP Term 2.4.7 Compliance with this MR&R does not excuse an exceedance of the underlying opacity standard.

Permit Term	Citation	Description	Monitoring, Recordkeeping, & Reporting
4.15 VE	NWCAA 451.1 (7/10/2025 State Only) WAC 173-401-615(1)(b) & (c) (10/17/2002)	Emission of Air Contaminant - Visual Standard No person shall cause or permit the emission, for any period aggregating more than three minutes in any one hour, of an air contaminant from any source which, at the point at emission, or within a reasonable distance of the point of emission, exceeds 20% opacity except: When there is valid data to show that the opacity is in excess of 20% as a result of the presence of condensed water droplets, and that the concentration of the particulate matter, as shown by a source test approved by the Control Officer, is less than 0.10 (0.23 g/m^3) grain/dscf.	*Directly enforceable:* Follow MR&R under AOP Term 4.14.
4.16 VE	WAC 173-400-040(1) (9/20/1993) WAC 173-400-040(2) (3/15/2025 State Only) WAC 173-401-615(1)(b) & (c) (10/17/2002)	Visible Emissions No person shall cause or allow the emission for more than three minutes, in any one hour, of an air contaminant from any emissions unit which at the emission point, or within a reasonable distance of the emission point, exceeds 20% opacity (Ecology Method 9A) except: When the owner or operator of a source supplies valid data to show that the presence of uncombined water is the only reason for the opacity to exceed twenty percent.	
4.17 PM	NWCAA 455.1 (4/14/1993) (7/10/2025 State Only) WAC 173-401-630(1) (3/5/2016)	Emission of Particulate Matter No person shall cause or permit emission of particulate matter in excess of 0.10 grain/dry standard cubic foot (dscf) (0.23 g/m3) (combustion emissions shall be corrected to 7% O2) except from all gaseous and distillate fuel burning equipment, emissions shall not exceed 0.05 grain/dscf (0.11 g/m3) corrected to 7% oxygen.	

Permit Term	Citation	Description	Monitoring, Recordkeeping, & Reporting
4.18 PM	WAC 173-400-060 (11/25/2018) (2/12/25 State Only) WAC 173-401-615(1)(b) & (c) (10/17/2002)	Emission Standards for General Process Units Particulate emissions greater than 0.1 grain/dscf (0.23 g/dry m_3) are prohibited.	*Directly enforceable:* Follow MR&R under AOP Term 4.14.
4.19 PM	WAC 173-400-050(1) and (3) (9/16/2018) (2/12/2025 State Only) WAC 173-401-615(1)(b) & (c) (10/17/2002)	Emission Standards for Combustion and Incineration Units Particulate emissions from combustion units greater than 0.1 grains/dscf corrected to 7% oxygen prohibited. The permitting authority may determine that an alternate oxygen correction factor is more representative of normal operations such as the correction factor included in an applicable NSPS or NESHAP, actual operating characteristics, or the manufacturer's specifications for the emission unit.	
4.20 SO_2	NWCAA Section 460 (4/14/1993) WAC 173-401-615(1)(b) & (c) (10/17/2002)	Weight/Heat Rate Standard – Emission of Sulfur Compounds Sulfur compound emissions, as SO_2, shall not exceed 1.5 lb/MMBtu of heat input per hour, calendar month average of hourly values for the facility.	*Directly enforceable:* Combust only natural gas. Maintain fuel consumption records or monthly bills from fuel supplier onsite.
4.21 SO_2	NWCAA Section 462 (10/13/1994) WAC 173-401-615(1)(b) & (c) (10/17/2002)	Emission of Sulfur Compounds Emissions of sulfur compounds from any equipment shall not exceed 1,000 ppm (corrected to 7% O_2) averaged over sixty consecutive minutes. This requirement is not violated if reasonable evidence is presented that concentrations will not exceed ambient standards and the permittee shows that no practical method of reducing concentration exists.	

Permit Term	Citation	Description	Monitoring, Recordkeeping, & Reporting
4.22 SO_2	NWCAA Section 462 (7/10/2025 State Only) WAC 173-401-615(1)(b) & (c) (10/17/2002)	Emission of Sulfur Compounds Sulfur compounds emissions, calculated as SO_2, shall not exceed 1,000 ppmvd at 7% oxygen. This requirement is not violated if reasonable evidence is presented that concentrations will not exceed ambient standards and the permittee demonstrates that no practical method of reducing the concentration exists.	*Directly enforceable:* Follow MR&R under AOP Term 4.20.
4.23 SO_2	WAC 173-400-040(6) first paragraph only (9/20/1993) WAC 173-401-615(1)(b) & (c) (10/17/2002)	Sulfur Dioxide SO_2 emissions shall not exceed 1,000 ppmvd, corrected to 7% oxygen for combustion sources, based on the average of any 60 consecutive minute period.	
4.24 SO2	NWCAA 520.1, 520.11, 520.12, 520.13, and 520.15 (4/14/1993) WAC 173-401-615(1)(b) & (c) (10/17/2002)	Sulfur Compounds in Fuel Prohibited to burn, sell, or make available for sale for burning in fuel burning equipment within the jurisdiction of the NWCAA, fuel containing sulfur in excess of the following for a time period not to exceed 30 days in a 12-month period: • #1 distillate – 0.3 wt% • #2 distillate – 0.5 wt% • other fuel oils – 2.0 wt% • solid fuels – 2.0 wt%	
4.25 SO2	NWCAA 520.1, 520.11, 520.12, 520.13, 520.15, 520.2 (7/10/2025 State Only) WAC 173-401-615(1)(b) & (c) (10/17/2002)	Sulfur Compounds in Fuel Prohibited to burn, sell, or make available for sale for burning in fuel burning equipment within the jurisdiction of the NWCAA, fuel containing sulfur in excess of the following for a time period not to exceed 30 days in a 12-month period: • #1 distillate – 0.3 wt% • #2 distillate – 0.5 wt% • other fuel oils – 2.0 wt% • solid fuels – 2.0 wt% Ocean-going vessels are exempt.	

SECTION 5 SPECIFICALLY APPLICABLE REQUIREMENTS

The cited requirements in the "Citation" column and incorporated herein by reference are applicable to emission units specified in the header of the table. These requirements are federally enforceable unless identified as "State Only". A requirement designated "State Only" is enforceable only by the state or the NWCAA, and not by the EPA or through citizen suits. "State Only" WAC citations in effect as of July 10, 2025 are enforceable by NWCAA because they are adopted by reference in NWCAA 104.1, as amended July 10, 2025. All of the federal regulations in effect as of July 10, 2025 listed in Section 5 have been adopted by reference in NWCAA 104.2, as amended July 10, 2025.

The "Description" column is a brief description of the applicable requirements for informational purposes only and is not enforceable. Periodic or continuous monitoring requirements, including testing, are specified in the "Monitoring, Recordkeeping and Reporting" (MR&R) column, which identifies MR&R obligations the source must perform as required by WAC 173-401-605(1) (11/4/1993) and 615(1) and (2) (10/17/2002) or the underlying requirement. MR&R obligations do not apply to insignificant emission units. The test method cited or any credible evidence may be used to determine compliance.

The requirements in the MR&R column labeled "Directly Enforceable" are legally enforceable requirements added under either the NWCAA's "gap-filling" authority (WAC 173-401-615(1)(b) & (c), (10/17/2002)), or the NWCAA's "sufficiency monitoring" authority (WAC 173-401-630(1), (3/5/2016)), as cited in each permit term. Other requirements not labeled "Directly Enforceable" are brief descriptions of the regulatory requirements for information purposes, and are not enforceable. Unless the text of the MR&R column is specifically identified to be directly enforceable, the language of the cited regulation takes precedence over a paraphrased requirement.

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

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.1.1	OAC 758 Condition 1 (04/09/2001) WAC 173-401-615(1)(b)&(c) (10/17/2002)	Emissions from the fire retardant manufacturing reactor vessel shall be routed to a functioning condenser-wet scrubber system during all periods the system contains raw materials or product and is not sealed. Emissions from formaldehyde solution storage shall be routed to a functioning wet scrubber system during all periods of operation.	*Directly enforceable-* Comply with the MR&R of Terms 5.1.2.
5.1.2	OAC 758 Condition 2 (04/09/2001) WAC 173-401-630(1) (3/5/2016)	The condenser and scrubber shall be constructed and operated in accordance with design specifications. The scrubber liquor shall be kept at least 15% below saturation concentration levels for formaldehyde and methanol.	Operation and maintenance manuals for the equipment shall be available to operators at all times and to the NWCAA during inspections. Recommended operating ranges and monitoring procedures shall be developed and incorporated in operation and maintenance manuals. *Directly enforceable –* Maintain batch records demonstrating water use rates adequate to maintain scrubber liquor at least 15% below saturation concentration.

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.1.3	40 CFR 63 Subpart FFFF, §63.2480(a), (b)(3) (4/04/2024) Table 6 to Subpart FFFF (8/12/2020) 40 CFR 63 Subpart UU, §63.1022(a), (b), & (f) & §63.1038 (6/29/1999)	<u>Requirements for MON equipment in organic HAP service</u> Subpart FFFF - Table 6, comply with Subpart UU, for equipment that contains or contacts regulated material including pumps, agitators, sampling connection systems, open-ended valves or lines, valves, connectors, instrumentation systems, and closed vent systems and control devices used to meet the requirements of this subpart. <u>Equipment identification:</u> Equipment subject to this subpart shall be identified - except connectors. The owner or operator of equipment in heavy liquid service shall comply with the requirements of either paragraph (1) or (2) of the MR&R, as provided in paragraph (3).	Identification of the equipment does not require physical tagging of the equipment. For example, the equipment may be identified on a plant site plan, in log entries, by designation of process unit or affected facility boundaries by some form of weatherproof identification, or by other appropriate methods. The identity, either by list, location (area or group), or other method, of equipment in regulated material service less than 300 hours per calendar year within a process unit or affected facilities subject to the provisions of this subpart shall be recorded. For equipment in heavy liquid service: (1) Retain information, data, and analyses used to determine that a piece of equipment is in heavy liquid service. (2) When requested by the Administrator, demonstrate that the piece of equipment or process is in heavy liquid service. (3) A determination or demonstration that a piece of equipment or process is in heavy liquid service shall include an analysis or demonstration that the process fluids do not meet the definition of "in light liquid service." Examples of information that could document this include, but are not limited to, records of chemicals purchased for the process, analyses of process stream composition, engineering calculations, or process knowledge.

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.1.4	40 CFR 63 Subpart FFFF, §63.2480(a) (4/04/2024) Table 6 to Subpart FFFF (8/12/2020) 40 CFR 63 Subpart UU, §63.1023 & §63.1024(f), §63.1038 (6/29/1999)	<u>Instrument and sensory monitoring for leaks</u> Monitor regulated equipment when the equipment is in regulated material service or is in use with any other detectable material in accordance with 40 CFR Part 60 Appendix A Method 21. Instrument monitoring: Calibration gases shall be zero air (less than 10 parts per million of hydrocarbon in air); Mixtures of methane in air at a concentration no more than 2,000 parts per million greater than the leak definition concentration of the equipment monitored (except instruments allowing multiple calibration scales); lower scale shall be calibrated with a calibration gas that is no higher than 2,000 parts per million above the concentration specified as a leak, and the highest scale shall be calibrated with a calibration gas that is approximately equal to 10,000 parts per million. If only one scale on an instrument will be used during monitoring, the owner or operator need not calibrate the scales that will not be used during that day's monitoring. Calibration gas other than methane in air may be used if the instrument does not respond to methane. Sensory monitoring: Sensory monitoring consists of visual, audible, olfactory, or any other detection method used to determine a potential leak to the atmosphere.	When each leak is detected pursuant to the monitoring specified, a weatherproof and readily visible identification shall be attached to the leaking equipment. For each leak detected, the following information shall be recorded and maintained: (1) The date of first attempt to repair the leak. (2) The date of successful repair of the leak. (3) Maximum instrument reading measured by Method 21 at the time the leak is successfully repaired or determined to be non-repairable. (4) "Repair delayed" and the reason for the delay if a leak is not repaired within fifteen (15) calendar days after discovery. (5) Dates of process unit or affected facility shutdowns that occur while the equipment is unrepaired.

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.1.5	40 CFR 63 Subpart FFFF, §63.2480(a) (04/04/2024) Table 6 to Subpart FFFF (8/12/2020) 40 CFR 63 Subpart UU, §63.1024(a), (c), (e) & (f) & §63.1038 (6/29/1999)	Equipment leak repair (a) *Leak repair schedule.* Repair each leak detected as soon as practical, but not later than fifteen (15) calendar days after it is detected, except as provided in paragraphs (d) and (e) of this section. A first attempt at repair as defined in this subpart shall be made no later than five (5) calendar days after the leak is detected. First attempt at repair for pumps includes, but is not limited to, tightening the packing gland nuts and/or ensuring that the seal flush is operating at design pressure and temperature. First attempt at repair for valves includes, but is not limited to, tightening the bonnet bolts, and/or replacing the bonnet bolts, and/or tightening the packing gland nuts, and/or injecting lubricant into the lubricated packing. Unsafe-to-repair - connectors. Any connector that is designated as an unsafe-to-repair connector is exempt from the requirements of §63.1027(d), and §63.1024(a).	*Leak identification removal* — (1) *Valves and connectors in gas/vapor and light liquid service.* The leak identification on a valve in gas/vapor or light liquid service may be removed after it has been monitored as specified in §63.1025(d)(2), and no leak has been detected during that monitoring. The leak identification on a connector in gas/vapor or light liquid service may be removed after it has been monitored as specified in §63.1027(b)(3)(iv) and no leak has been detected during that monitoring. (2) *Other equipment.* The identification that has been placed, pursuant to §63.1023(e)(1), on equipment determined to have a leak, except for a valve or for a connector in gas/vapor or light liquid service that is subject to the provisions of §63.1027(b)(3)(iv), may be removed after it is repaired. Maintain records of any difficult or unsafe to monitor equipment.

5.1.6	40 CFR 63 Subpart FFFF, §63.2480(a) (04/04/2024) Table 6 to Subpart FFFF (8/12/2020) 40 CFR 63 Subpart UU, §63.1024 (d) & (f) & §63.1038 (6/29/1999)	<u>Delay of repair</u> Delay of repair is allowed for any of the following conditions. (1) Delay of repair of equipment is allowed if repair within fifteen (15) days is technically infeasible without a process unit or affected facility shutdown. Repair of this equipment shall occur as soon as practical, but no later than the end of the next process unit or affected facility shutdown, except as provided in paragraph (5). (2) Delay of repair of equipment for which leaks have been detected is allowed for equipment that is isolated from the process and that does not remain in regulated material service. (3) Delay of repair for valves, connectors, and agitators is also allowed if: (i) Emissions of purged material resulting from immediate repair would be greater than the fugitive emissions likely to result from delay of repair, and (ii) Purged material is collected and destroyed, collected and routed to a fuel gas system or process, or recovered in a control device. (4) Delay of repair for pumps is allowed if: (i) Repair requires replacing the existing seal design with a new system that will provide better performance; and (ii) Repair is completed as soon as practical, but not later than six (6) months after the leak was detected. (5) Delay of repair of a leaking valve beyond a process shutdown is allowed if valve assembly replacement is necessary during the shutdown, and valve assembly supplies, even though sufficiently stocked,	Maintain a record of "Repair delayed" and the reason for the delay if a leak is not repaired within fifteen (15) calendar days after discovery. (i) Develop a written procedure that identifies the conditions that justify a delay of repair. The written procedures may be included as part of the startup, shutdown, and malfunction plan, as required by the referencing subpart for the source, or may be part of a separate document that is maintained at the plant site. In such cases, reasons for delay of repair may be documented by citing the relevant sections of the written procedure. (ii) If delay of repair was caused by depletion of stocked parts, there must be documentation that the spare parts were sufficiently stocked on-site before depletion and the reason for depletion.

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
		have been depleted. Delay of repair beyond the second shutdown is not allowed unless the third shutdown occurs sooner than six (6) months after the first process unit or affected facility shutdown.	
5.1.7	40 CFR 63 Subpart FFFF, §63.2480(a) (4/04/2024) Table 6 to Subpart FFFF (8/12/2020) 40 CFR 63 Subpart UU, §63.1025(e)(3) & §63.1038 (6/29/1999)	Valves in gas and vapor service and in light liquid service standards The instrument reading that defines a leak is 500 ppm or greater. Monitor each valve once each quarter[1]. After a leak has been repaired, the valve shall be monitored at least once within the first three (3) months after its repair. The monitoring required by this paragraph is in addition to the monitoring required to satisfy the definition of repaired and first attempt at repair. *Unsafe-to-monitor or Difficult-to-monitor valves* shall be monitored according to the written plan specified in §63.1022(c)(4).	Monitor in accordance with term 5.1.4. The owner or operator shall keep a record of the monitoring schedule for each process unit. Calculate percentage of leaking valves for each monitoring period for each process unit or valve subgroup using the following equation: $\%V_L = (V_L/V_T) \times 100$ [Eq. 2] where: $\%V_L$= Percent leaking valves. V_L= Number of valves found leaking, excluding non-repairable valves, as provided in paragraph (c)(3) of this section, and including those valves found leaking pursuant to paragraphs (d)(2)(iii)(A) and (d)(2)(iii)(B) of this section. V_T= The sum of the total number of valves monitored. Non-repairable valves shall be included in the calculation of percent leaking valves the first time the valve is identified as leaking and non-repairable. Otherwise, a number of non-repairable valves (identified and included in the percent leaking valves calculation in a previous period) up to a maximum of 1 percent of the total number of valves in regulated material service at a process unit or affected facility may be excluded from calculation of percent leaking valves for subsequent monitoring periods. If the number of non-repairable valves exceeds 1 percent of the total number of valves in regulated material service at a process unit or affected facility, the number of non-repairable valves exceeding 1 percent of the total number of valves in regulated material service shall be included in the calculation of percent leaking valves Maintain valve subgrouping records specified in § 63.1025(b)(4)(iv), if applicable. Maintain records of difficult or unsafe to monitor equipment.

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

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.1.8	40 CFR 63 Subpart FFFF, §63.2480(a) & (b)(6) (04/04/2024) Table 6 to Subpart FFFF (8/12/2020) 40 CFR 63 Subpart UU, §63.1026 & §63.1038 (11/22/1999)	<u>Pumps in light liquid service standards</u> Pumps shall be monitored monthly - The instrument reading that defines a leak is 1,000 ppm or greater. Repair leaking pumps. Repair is not required unless an instrument reading of 2,000 ppm or greater is detected. Each pump shall be checked by visual inspection each calendar week for indications of liquids dripping from the pump seal. If there are indications of liquids dripping from the pump seal at the time of the weekly inspection, the owner or operator shall either eliminate the visual indications of liquids dripping or monitor the pump -if the instrument reading indicates a leak, it shall be repaired. Calculate percentage of leaking pumps. Special Provisions in § 63.1026(e) apply - document per applicable requirements.	Monitor in accordance with term 5.1.4. The owner or operator shall document that the visual inspection was conducted and the date of the inspection. If, when calculated on a 6-month rolling average, at least the greater of either 10 percent of the pumps in a process unit or three pumps in a process unit leak, the owner or operator shall implement a quality improvement program for pumps that complies with the requirements of §63.1035. The number of pumps at a process unit or affected facility shall be the sum of all the pumps in regulated material service. Percent leaking pumps shall be determined by the following equation: $\%P_L = \left((P_L - P_S)/(P_T - P_S)\right) \times 100 \qquad [Eq.\ 3]$ Where: $\%P_L$= Percent leaking pumps P_L= Number of pumps found leaking as determined through monthly monitoring. Do not include results from inspection of unsafe-to-monitor pumps. P_S= Number of pumps leaking within one (1) month of start-up during the current monitoring period. P_T= Total pumps in regulated material service.

5.1.9	40 CFR 63 Subpart FFFF, §63.2480(a) & (b)(4) (04/4/2024) Table 6 to Subpart FFFF (8/12/2020) 40 CFR 63 Subpart UU, §63.1029 & §63.1038 (11/22/1999)	<u>Connectors in gas and vapor service, light liquid service, and heavy liquid service</u> The instrument reading that defines a leak is 500 ppm for connectors. <u>Agitators in heavy liquid service</u> The instrument reading that defines a leak is 10,000 ppm or greater for agitators (heavy liquid). <u>Pumps in heavy liquid service</u> The instrument reading that defines a leak is 2000 ppm or greater for pumps (heavy liquid). <u>Valves in heavy liquid service</u> The instrument reading that defines a leak is 500 ppm or greater for valves (heavy liquid). <u>Instrumentation systems:</u> The instrument reading that defines a leak is 500 ppm or greater for instrumentation systems. <u>Pressure Relief devices in liquid service:</u> The instrument reading that defines a leak is 500 ppm for pressure relief devices (liquid service). If evidence of a potential leak to the atmosphere is found by visual, audible, olfactory, or any other detection method – either repair the leak or monitor within five days to determine if a leak is present. Repaired shall mean that the visual, audible, olfactory, or other indications of a leak to the atmosphere have been eliminated.	Monitor in accordance with term 5.1.4. The owner or operator shall document that the visual inspection was conducted and the date of the inspection.

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.1.10	40 CFR 63 Subpart FFFF, §63.2480(a) (04/04/2024) Table 6 to Subpart FFFF (8/12/2020) 40 CFR 63 Subpart UU, §63.1028 & §63.1038 (6/29/1999)	<u>Agitators in gas and vapor service standards</u> Each agitator shall be monitored monthly to detect leaks. The instrument reading that defines a leak is 10,000 ppm or greater. Each agitator seal shall be checked by visual inspection each calendar week for indications of liquids dripping from the agitator seal. If there are indications of liquids dripping from the agitator seal, the owner or operator shall either repair the leak or monitor within five (5) days to determine if a leak is present. Comply with monitoring method and frequency requirements in §63.1028(c)(1) and (c)(3). Repair leaking agitators per § 63.1028(d) and applicable requirements, if special provisions in §63.1028(e) apply -document per applicable requirements.	Monitor in accordance with term 5.1.4. The owner or operator shall document that the visual inspection was conducted and the date of the inspection.
5.1.11	40 CFR 63 Subpart FFFF, §63.2480(a) (04/04/2024) Table 6 to Subpart FFFF (8/12/2020) 40 CFR 63 Subpart UU, §63.1032 (6/29/1999)	Each sampling connection system shall be equipped with a closed-purge, closed-loop, or closed vent system, except as provided. The system shall return the purged process fluid directly to a process line. Gases displaced during filling of the sample container are not required to be collected or captured. In-situ sampling systems and sampling systems without purges are exempt.	No MR&R for this term.

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.1.12	40 CFR 63 Subpart FFFF, §63.2480(a) (04/04/2024) Table 6 to Subpart FFFF (8/12/2020) 40 CFR 63 Subpart UU, §63.1033 (6/29/1999)	Open-ended valves or lines standards Each open-ended valve or line shall be equipped with a cap, blind flange, plug, or a second valve, except for emergency shutdown systems or polymerizing materials service. The cap, blind flange, plug, or second valve shall seal the open end at all times except during operations requiring process fluid flow through the open-ended valve or line, or during maintenance. Each open-ended valve or line equipped with a second valve shall be operated in a manner such that the valve on the process fluid end is closed first. When a double block and bleed system is being used, the bleed valve or line may remain open during operations that require venting the line between the block valves but shall comply at all other times.	Report any open-ended lines in accordance with AOP Term 2.4.7 deviation reporting.

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.1.13	40 CFR 63 Subpart FFFF, § 63.2520(e) (04/04/2024) 40 CFR 63 Subpart UU, § 63.1039 (6/29/1999)	Reporting Requirements Semiannually, submit compliance reports, in accordance with Sections 2 and 3, and 4, which shall include the following: Company name and address. Statement by a responsible official with that official's name, title, and signature, certifying the accuracy of the content of the report. Date of report and beginning and ending dates of the reporting period. Applicable records and information for periodic reports as specified in referenced 40 CFR 63 Subpart UU.	Report in a summary format for each equipment type, the number of components for which leaks were detected. Additionally for valves, pumps and connectors show the percent leakers, and the total number of components monitored. Also include the number of leaking components that were not repaired as required, and for valves and connectors, identify the number of components that are determined to be non-repairable. If applicable, include where any delay of repair is utilized pursuant to §63.1024(d), report that delay of repair has occurred and report the number of instances of delay of repair. If applicable, for pressure relief devices in gas and vapor service pursuant to §63.1030(b) that are to be operated at a leak detection instrument reading of less than 500 parts per million, report the results of all monitoring to show compliance conducted within the semiannual reporting period. Report Initial Compliance Status revisions to items reported if the method of compliance has changed since the last report.

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

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.2.1	40 CFR Subpart DDDDD 63.7500 (e); 63.7515(d); 63.7540 (a)(10), (a)(12) and (a)(13); 63.7545(a) (10/6/2022); 63.7550 (b), (c)(1), (c)(5)(i)-(iii), (xvi), (xvii), and (h) (11/20/2015); 63.7555(a)(1) (10/6/2022); 63.7560(a), (b), (c) (5/18/2011); Table 3 to Subpart DDDDD (10/6/2022); Table 9 to Subpart DDDDD (11/20/2015); OAC 1271a Condition 4 (7/13/2020)	<u>Tune-up Requirements for existing boiler greater than 10 MMBtu/hr</u> Conduct a tune-up of the boiler annually. Each annual tune-up must be conducted no more than thirteen (13) months after the previous tune-up. If the unit is not operating on the required date for a tune-up, the tune-up must be conducted within 30 calendar days of startup. For units equipped with an oxygen trim system that maintains an optimum air to fuel ratio, conduct a tune-up at least every five years. Each five-year tune-up must be conducted no more than 61 months after the previous tune-up.	Inspect the burner, and clean or replace any components of the burner as necessary; Inspect the flame pattern and adjust the burner as necessary to optimize the flame pattern. The adjustment should be consistent with the manufacturer's specifications; Inspect the system controlling the air-to-fuel ratio and ensure that it is correctly calibrated and functioning properly; Optimize total emissions of CO. This optimization should be consistent with the manufacturer's specifications; Measure the concentrations in the effluent stream of CO in parts per million, by volume, and oxygen in volume percent, before and after the adjustments are made (measurements may be either on a dry or wet basis, as long as it is the same basis before and after the adjustments are made). Measurements may be taken using a portable CO analyzer. If the boiler has a continuous oxygen trim system that maintains an optimum air to fuel ratio, set the oxygen level no lower than the oxygen concentration measured during the most recent tune-up. Submit a signed certification by the responsible official in the Notification of Compliance Status (NCS) within 60 days of performing the tune-up in accordance with AOP Term 3.2.15.1. Submit a compliance report annually as per 40 CFR 63.7550(b), that includes the information from §63.7550(c)(1). Submit copy of reports electronically to EPA via CEDRI using the electronic report for this subpart. (*https://cdx.epa.gov/*) Maintain a copy of each notification and report submitted for five (5) years in accordance with AOP Term 2.4.3.

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.2.2	40 CFR 63 Subpart DDDDD 63.7545(f) (10/6/2022)	Notification in case of natural gas curtailment or supply interruption.	Submit notification of alternative fuel use within 48 hours of declaration of period of natural gas curtailment or supply interruptions. Provide information in 40 CFR 63.7545(f)(1) through (f)(5).
5.2.3	40 CFR 60 Subpart Dc 60.48c(g)(2) and (3); (c)(i) (1/28/2009)	Each month record amount of natural gas burned in the boiler.	Maintain monthly fuel quantity records for two years following the date of such record.
5.2.4	OAC 1271a Conditions 1, 3, 5 & 6 (7/13/2020)	Do not exceed any of the following emission limits: a) 9 ppmvd NOx, corrected to 3% O2, and b) 50 ppmvd CO, corrected to 3% O2. Operate the FGR and low-NOx burner at all times the boiler is in operation.	Develop a written operation and maintenance (O/M) manual for the boiler, FGR and low-NOx burner including inspection schedules, maintenance requirements, and operating procedures. Maintain the manual onsite and keep readily available for inspection by NWCAA personnel. Maintain all records required by this Order onsite for no less than five (5) years from the date of generation and keep readily available for review by NWCAA personnel.
5.2.5	OAC 1271a Condition 2 (7/13/2020) WAC 173-401-630(1) (3/5/2016)	Visible emissions from the boiler stack are prohibited that exceed 0% opacity for more than three (3) minutes in any one-hour period.	Measured by Washington Department of Ecology Method 9A. *Directly Enforceable –* Follow MR&R in accordance with AOP Term 4.14

Table 5-3 Drying Kilns (EU-3)

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

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.3.2	OAC 758 Condition 4 (04/09/2001) WAC 173-401-615(1)(b) & (c)) (10/17/2002)	Emissions resulting from operation of the fire-retardant manufacturing facility shall not cause exceedance of acceptable source impact levels specified in WAC 173-460-150 and -160 as determined by methods specified in WAC 173-460-080.	*Directly enforceable –* Provide written notification to the Northwest Clean Air Agency when throughput or material formulations significantly change. Significant change shall be when: • If the formulation of the fire retardant material changes, • Shingles or shakes are treated with fire retardant material, or New products are treated with fire retardant material.
5.3.3	OAC Condition 3 (9/19/1988) WAC 173-401-615(1)(b) & (c)) (10/17/2002)	Ambient concentrations at the property line shall not exceed the following: Arsenic 0.00022 µg/m^3 Chromium 0.000083 µg/m^3 Copper 2.4 µg/m^3	

SECTION 6 INAPPLICABLE REQUIREMENTS

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

Table 6-1 Inapplicable Requirements

Inapplicable Requirements		
CITATION	**TITLE**	**BASIS**
40 CFR 60 Subpart K	Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978	The facility has no storage vessels that were constructed, reconstructed, or modified within the applicability date range of this regulation.
40 CFR 60 Subpart Ka	Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984	Not applicable because none of the storage tanks on-site meet the capacity/vapor pressure applicability criteria of NSPS Ka.
40 CFR 60 Subpart Kb	Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984	Not applicable because none of the storage tanks on-site meet the capacity/vapor pressure applicability criteria of NSPS Kb.
40 CFR 60 Subpart D	NSPS for Fossil-Fuel-Fired Steam Generators for Which Construction Is Commenced After August 17, 1971	Not applicable because the boiler has a heat input rate less than 250 MMBtu/hour.
40 CFR 60 Subpart Db	NSPS for Industrial-Commercial-Institutional Steam Generating Units for Which Construction Is Commenced After June 9, 1989	Not applicable because the boiler has a heat input rate less than 100 MMBtu/hr.
40 CFR 60 RRR	NSPS for Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes	Not applicable because the subject process is a batch process (§ 60.700(c)(1)).
40 CFR 60 VV	NSPS for SOCMI LDAR	The facility is not in the synthetic organic chemical manufacturing industry, as defined, because it does not produce as an intermediate or final product any of the chemicals listed at § 60.489.
40 CFR 61	NESHAP Regulations	No affected sources.

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