



---

*Serving Island, San Juan, Skagit and Whatcom Counties*

# Air Operating Permit—DRAFT AOP 009R3

## **Chemtrade Solutions LLC**

Anacortes, Washington

**April 10, 2026**



**PERMIT INFORMATION**  
**Chemtrade Solutions LLC, Anacortes Works**  
**8579 North Texas Road, Anacortes, Washington**

**Responsible Official**

Howard Powell, Regional  
Manufacturing Manager  
8570 North Texas Road  
Anacortes, WA 98221  
(360) 293-2171

**Inspection Contact**

Ricky Gaethle, Plant Manager  
8579 North Texas Road  
Anacortes, WA 98221  
(360) 293-2171

**Northwest Clean Air Agency**

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

**Prepared by**

Crystal Rau  
Air Quality Scientist  
(360) 419-6771

---

**Expires: TBD**

**Renewal Application Due: TBD**

## 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, Chemtrade Solutions LLC is authorized to operate the Anacortes Works subject to the terms and conditions of this permit.

Northwest Clean Air Agency Approval:

---

Date:

Crystal Rau  
Air Quality Scientist

---

Date:

Agata McIntyre, P.E.  
Engineering Manager

## Table of Contents

Section 1	Emission Unit Descriptions .....	5
Section 2	STANDARD TERMS AND CONDITIONS .....	6
2.1.	Compliance Requirements .....	6
2.2.	Permit Terms.....	11
2.3.	Permit Shield.....	14
2.4.	Recordkeeping and Reporting .....	15
2.5.	Excess Emissions .....	22
2.6.	Duty to Supplement or Correct Information.....	24
2.7.	Prohibitions .....	24
2.8.	Notice of Construction and Application for Approval/New Source Review .....	27
2.9.	Greenhouse Gas Regulation.....	29
Section 3	Standard Terms and Conditions for NSPS and NESHAP .....	30
3.1.	Part 60 – New Source Performance Standard Requirements .....	30
3.2.	Part 63 – National Emission Standard for Hazardous Air Pollutant Requirements .....	35
Section 4	GENERALLY APPLICABLE REQUIREMENTS .....	56
Section 5	Specifically Applicable Requirements .....	65
<b>SECTION 6</b>	<b>INAPPLICABLE REQUIREMENTS</b> .....	<b>81</b>

## Tables

Table 1-1	Emission Units.....	5
Table 4-1	Generally Applicable Requirements.....	57
Table 5-1	Sulfuric Acid Plant.....	66
Table 5-2	Sulfur Recovery Unit .....	73
Table 5-3	Gasoline Dispensing Facility .....	79

## SECTION 1 EMISSION UNIT DESCRIPTIONS

This table lists emission units and activities included in the Air Operating Permit (AOP) that are located at Chemtrade Solutions LLC, hereinafter referred to as Chemtrade, the facility, owner, operator, or the permittee. The information presented here in Section 1 is for informational purposes only.

**Table 1-1 Emission Units**

Process Area	Emission Point Description	Constructed/Modified	Comments
Sulfuric Acid Plant (SAP)	Sulfuric Acid Plant Units (SPUs) 1, 2, and 3 with Abatement Units 10 and 11 venting to a common stack	Unit 1: 1957 Unit 2: 1964 Unit 3: 1973 (construction), 1975 (startup), 1993 (modified)	Combined design production capacity of 566 tons of sulfuric acid per day (OAC 458d, PSD 94-01 Amendment 1, NWCAA Section 465, 40 CFR 60 Subpart H)
	SPU3 Startup Heater	2004	9.2 MMBtu/hr, natural gas fired (OAC 880c)
	Abatement Unit 10 and 11 Process Heaters	1971	2 @ 6.61 MMBtu/hr each, John Zinc, natural gas fired
	Sulfuric Acid Product Tanks	TK-6302: 1958 TK-6403: 1981 TK-6404: 1964 TK-6305: 1958 TK-6306: 1995 TK-6307: 1978	TK-6302: 66,835 gallons TK-6403: 9,923 gallons TK-6404: 13,333 gallons TK-6305: 66,835 gallons TK-6306: 158,758 gallons TK-6307: 66,835 gallons
	Spent Acid Storage Tanks	TK-6108 : 1980 TK-6109 : 1980	158,000 gallons each
	Swing Acid Storage Tanks (storing product or spent)	TK-6301: 1958 TK-6110: 1995	TK-6301: 66,835 gallons TK-6110: 158,700 gallons
	Sulfur Recovery Unit (SRU)	SRU with Shell Claus Off-gas Treating (SCOT) Unit and incinerator stack and emergency flare with bypass	1986 / 1998
Components in VOC Service		1986 / 1998	(40 CFR 60 Subpart GGG)
SRU Auxiliary Boiler (B-501)		Replaced in 2025	Physically derated to a maximum heat input capacity of 9.9 MMBtu/hr, natural gas fired (40 CFR 63 Subpart DDDDD)
Gasoline Dispensing Facility (GDF)	GDF	Pre-1990	300 gallon above-ground fixed roof storage tank (NWCAA 580.6, Chapter 173-491 WAC, 40 CFR 63 Subpart CCCCC)

## **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 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 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 (7/10/2022)

Penalties, decisions, and orders issued may be appealed to the PCHB within 30 days after notice of violation 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**

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 the Agency, relates to processes or production unique to the owner or operator, or are likely to affect adversely the competitive position of such owner or operator if released to the public or to a competitor, and the owner or operator of such processes or production so certifies, such records or information shall be only for the confidential use of the NWCAA.

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

### 2.1.6. Inspection and Entry

WAC 173-400-105(3) (9/20/1993) 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 from 40 CFR 60 Appendix A which are adopted by reference, or approved procedures contained in the "Source Test Manual – Procedures for Compliance Testing," state of Washington, Department of Ecology, as of July 12, 1990, on file at Ecology. The operator of a source may be required to provide the necessary platform and sampling ports 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," state of Washington, department

of ecology, as of February 12, 2025, on file at ecology. All other language is the same as 2.1.8.1.

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

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](mailto: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](mailto: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 or an Air Operating Permit.

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

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

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

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

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

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

2.1.10.1. NWCAA 365.1 (2/8/1989)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **2.1.11. Credible Evidence**

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

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

### **2.2. Permit Terms**

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

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

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

#### **2.2.2. Permit Actions**

WAC 173-401-620(2)(c) (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**

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.

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

### 2.2.15. **Transfer or Permanent Shutdown**

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

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

2.2.15.2. State Only: NWCAA Section 325 (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 ninety (90) days of shutdown or transfer. The new owner of a registered source shall file a written report with the NWCAA within ninety (90) days of completing transfer of ownership and/or assuming operational control.

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

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 Order of Approval 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.15.2330.

### 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

Northwest Clean Air Agency  
Preferred:

facilityreports@nwcleanairwa.gov

1200 Sixth Avenue, Suite 155  
Seattle, WA 98101

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**

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<sub>10</sub>, sulfur dioxide, carbon monoxide, total reduced sulfur compounds (TRS), fluorides, lead, VOCs, and other contaminants.

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

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

2.4.4.2. State Only: WAC 173-400-105(1) (3/15/2025)

In addition to the requirements of 2.4.4.1, the permittee shall report PM<sub>2.5</sub>, 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)

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 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) 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.

Every person operating any source or sources which directly or indirectly emits or contributes air contaminants within the jurisdictional area of the NWCAA may be required to report to the Control Officer, at a time or times selected by the Control Officer, production rates, sales or other data (including quantities of products used or any other information) as may be required to estimate the emissions from the various air contaminant sources.

#### 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)

Beginning with the 2022 emissions year reported in 2023, 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 CO<sub>2</sub>e 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 CO<sub>2</sub>e 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 and shall include the following certification statement signed by the designated representative or any alternate designated representative:

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

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

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

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:

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

- (i) The upset or breakdown shall be reported as promptly as possible and in no event later than 12 hours to the NWCAA.
- (ii) The responsible official or his designee shall submit a full report on forms provided by 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:

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

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

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

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

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

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

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

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

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. WAC 173-400-108 and -109 (State Only – 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)*

*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.

2.7.1.2. 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)*

This stationary source, as defined in 40 CFR Section 68.3, is subject to Part 68, the accidental release prevention regulations. This stationary source shall submit a risk management plan (RMP) by the date specified in section 68.10. This stationary source shall certify compliance with the requirements of part 68 as part of the annual compliance certification as required by 40 CFR Part 70.

#### **2.7.11. Cutback Asphalt Paving**

*NWCAA 580.7 (4/14/1993)*

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

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

A Notice of Construction application must be filed by the owner or operator and an Order of Approval issued by the NWCAA prior to beginning actual construction of any new source or making any modification, except for those emissions units that are exempt under NWCAA 300.3 or 300.4, or any emissions unit covered under a General Order of Approval and operating in accordance with NWCAA 300.16. 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 Notice of Construction is required and a final Order of Approval has not been issued, the control officer may conduct an investigation as part of the Notice of Construction 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 order of approval shall identify criteria by which an emission unit or source may qualify for coverage under a general order of approval and shall include terms and conditions for installing and/or operating the source.

### 2.8.4. Requirements to Comply

#### NWCAA 300.13 (4/11/2019)

#### 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 Order of Approval.

### 2.8.5. Prevention of Significant Deterioration (PSD)

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

#### State Only: WAC 173-400-700 (4/1/2011), WAC 173-400-710 (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 Notice of Construction application with the NWCAA.

### 2.8.7. Major Stationary Source and Major Modification in a Nonattainment Area

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

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

These requirements apply to any new major stationary source or major modification of an existing major stationary source located in a designated nonattainment area that is major for

the pollutant or pollutants for which the area is designated as not in attainment of one or more national ambient air quality standards.

## 2.9. **Greenhouse Gas Regulation**

*State Only: WAC 173-401-200 (19) & (35) (3/15/2025)*

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<sub>2</sub> equivalent emissions and the source is otherwise required to have an operating permit.

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

"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)*

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

Preferred: [facilityreports@nwcleanairwa.gov](mailto:facilityreports@nwcleanairwa.gov)  
Alternative:  
Northwest Clean Air Agency  
1600 S. Second Street  
Mount Vernon, WA 98273-5202

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

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 the Administrator of the following:

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

### 3.1.3. Startup, Shutdown, and Malfunction Records

#### 3.1.3.1. 40 CFR 60.7(b) (2/12/1999)

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

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

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

### 3.1.4. Excess Emission Records

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

Each owner or operator required to install a continuous monitoring device shall submit excess emissions and monitoring systems performance report (as defined in applicable subparts) and/or summary report form (see 60.7(d)) to the Administrator semiannually, except when: more frequent reporting is specifically required in any subpart; or the Administrator determines that more frequent reporting is necessary. All reports shall be postmarked by the 30<sup>th</sup> day following the end of each six-month period. Written reports of excess emissions shall include the information in 40 CFR 60.7(c)(1) through (4).

### 3.1.5. Maintenance of Records

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

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

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

### 3.1.6. Performance Tests

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

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

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

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

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

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

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

- (v) Facility mailing address, physical address, owner or operator or responsible official (where applicable) and his/her email address, and the appropriate Federal Registry System (FRS) number for the facility.

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

### **3.1.7. Test Method Performance Audit**

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

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

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

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

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

### **3.1.8. Compliance with Opacity Standards**

#### 40 CFR 60.11(b) and (c) (10/17/2000) (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)

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

### 3.1.9. Operation and Maintenance

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

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

### 3.1.10. Credible Evidence

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

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

### 3.1.11. Circumvention

40 CFR 60.12 (3/8/1974)

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

### 3.1.12. Monitoring Requirements 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 all continuous monitoring systems subject to 60.13, conduct a performance evaluation of the continuous emission monitoring system (CEMS) during any performance test required under 60.8 or within 30 days thereafter in accordance with the applicable performance specification in 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.

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

Owners and operators of a CEMS installed in accordance with the provisions of this part, must check the zero 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 0 Appendix B. The system must allow the amount of the excess zero and span drift to be recorded and quantified whenever specified.

Except for system breakdowns, repairs, calibration checks, and zero and span adjustments required, 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.

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 emission 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 EPA.

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

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

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

### 3.2.1. **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, MM, EEE, JJJ, LLL, MMM, RRR, UUU, FFFF, JJJJ, MMMM, PPPP, ZZZZ, CCCCC, DDDDD, FFFFF, IIIII, LLLLL, YYYYY, JJJJJ, EEEEE. 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)

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

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

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

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

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

### 3.2.3. 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 application 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 40 CFR 63.6(e)(1)(i),(ii), and (iii) (3/11/2021)

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 to the greatest extent possible at all times, including periods of startup, shutdown, and malfunction. This does not require achieving emission levels that

would be required by the applicable standard at other times nor reducing emissions if levels required by the applicable standard have been achieved. The Administrator will determine compliance with this general duty to minimize emissions.

Malfunctions must be corrected as soon as practicable after their occurrence.

Operation and maintenance requirements are enforceable independent of emissions limitations or other requirements in relevant standards.

3.2.4.2. O&M for 40 CFR 63 Subpart UUU  
40 CFR 63.6(e)(1)(iii) (3/11/2021); 40 CFR 63.1570(c) (12/1/2015)

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. This does not require reducing emissions if levels required by the applicable standard have been achieved. The Administrator will determine compliance with this general duty to minimize emissions.

Operation and maintenance requirements are enforceable independent of emissions limitations or other requirements in relevant standards.

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

Operate and maintain any affected source as defined in 63.7490, including associated air pollution control and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The Administrator will determine compliance with this general duty to minimize emissions.

### 3.2.5. Compliance With Nonopacity Emission Standards

Nonopacity emission standards for Part 63 NESHAP Sources  
40 CFR 63.6(f)(1) (3/11/2021)

The non-opacity emission standards set forth in this part shall 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 non-opacity emission standards, design, equipment, work practice or operational standards.

### 3.2.6. Compliance With Opacity and Visible Emission Standards

Compliance with opacity and visible emission standards for Part 63 NESHAP Sources  
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.

### 3.2.7. 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.

### 3.2.8. Notification of Performance Tests

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

#### 3.2.8.2. Notification of Performance Tests for 40 CFR 63 Subpart UUU (Refinery MACT II) Affected Sources 40 CFR 63.1574(a)(2) (11/19/2020)

The requirements for notification of performance tests for Subpart UUU affected sources are the same as noted in AOP Term 3.2.9.1 with the following clarifications, exceptions, or differences:

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

### 3.2.9. Conduct of Performance Tests

#### 3.2.9.1. Conduct of Performance Tests for Part 63 NESHAP Sources 40 CFR 63.7 (11/14/2018), 63.9(e) (9/10/2024)

If required to do performance testing, perform such tests within 180 days of the compliance date for such source and under 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.

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 60<sup>th</sup> 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.

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. Operation and Maintenance of Continuous Monitoring Systems (CMS)

#### 3.2.10.1. *O&M of CMS for Part 63 NESHAP Sources (except as modified by Subpart UUU; no SSMP is required for Subpart DDDDD)* *40 CFR 63.8(c)(1),(2),(3),(4) and (6) (11/14/2018)*

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

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

All CMS must:

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

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

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

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

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

**3.2.10.2. O&M for CMS for Part 63 Subpart UUU Affected Sources**  
**40 CFR 63.1572 (11/26/2018)**

The language in 63.8(c)(3) applies except that Subpart UUU specifies that for continuous parameter monitoring systems, operational status verification includes completion of manufacturer written specifications or installation, operation, and calibration of the system or other written procedures that provide adequate assurance that the equipment will monitor accurately.

**3.2.11. Continuous Monitoring Systems (CMS) Out of Control Periods**

**3.2.11.1. CMS Out of Control Periods for Part 63 NESHAP Sources**  
**40 CFR 63.8(c)(7) and (8) (11/14/2018)**

A CMS is out of control if—

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

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

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

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

### **3.2.12. Continuous Monitoring Systems (CMS) Quality Control Program**

#### **3.2.12.1. CMS Quality Control Program for Part 63 NESHAP Sources (except for no written procedures required for CMS under Subpart UUU)** **40 CFR 63.8(d) & (e) (11/14/2018), 63.9(g)(1) (9/10/2024)**

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

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

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

The owner or operator shall keep these written procedures on record for the life of the affected source or until the affected source is no longer subject to the provisions of this part, to be made available for inspection, upon request, by the Administrator. If the performance evaluation plan is revised, the owner or operator shall keep previous (i.e., superseded) versions of the performance evaluation plan on record to be made available for inspection, upon request, by the Administrator, for a period of 5 years after each revision to the plan.

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

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

Before conducting a required CMS performance evaluation, the owner or operator of an affected source shall develop and submit a site-specific performance evaluation test plan to the Administrator for approval upon request. The performance evaluation test plan shall include the evaluation program objectives, an evaluation program summary, the performance evaluation

schedule, data quality objectives, and both an internal and external QA program. Data quality objectives are the pre-evaluation expectations of precision, accuracy, and completeness of data.

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

The owner or operator of an affected source shall conduct a performance evaluation of a required CMS during any performance test required under 63.7 in accordance with the applicable performance specification as specified in the relevant standard. If a performance test is not required, or the requirement for a performance test has been waived under 63.7(h), the owner or operator of an affected source shall conduct the performance evaluation not later than 180 days after the appropriate compliance date for the affected source, as specified in 63.7(1), or as otherwise specified in the relevant standard.

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

### **3.2.13. Continuous Monitoring Systems (CMS) Data Reduction**

#### **3.2.13.1. CMS Data Reduction for Part 63 NESHAP Sources (except for Subpart UUU) 40 CFR 63.8(g) (11/14/2018)**

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

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

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

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

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

#### **3.2.13.2. CMS Data Reduction for Part 63 Subpart UUU Affected Sources 40 CFR 63.1572(a) and (c) (11/26/2018)**

You must install, operate, and maintain each continuous emission monitoring system according to the requirements in paragraphs (i) through (iv) of this section.

- (i) You must install, operate, and maintain each continuous emission monitoring system according to the requirements in Table 40 of this subpart.
- (ii) If you use a continuous emission monitoring system to meet the NSPS CO or SO<sub>2</sub> limit, you must conduct a performance evaluation of each continuous emission monitoring system according to the requirements in 63.8 and Table 40 of this subpart. This requirement does not apply to an affected source subject to the NSPS that has already demonstrated initial compliance with the applicable performance specification.
- (iii) As specified in 63.8(c)(4)(ii), each continuous emission monitoring system must complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.
- (iv) Data must be reduced as specified in 63.8(g)(2).

Except for flare monitoring systems, you must install, operate, and maintain each continuous parameter monitoring system according to the requirements in paragraphs (v) through (ix) of this section. For flares, you must install, operate, calibrate, and maintain monitoring systems as specified in 63.670 and 63.671.

- (v) You must install, operate, and maintain each continuous parameter monitoring system according to the requirements in Table 41 of this subpart. You must also meet the equipment specifications in Table 41 of this subpart if pH strips or colormetric tube sampling systems are used. You must meet the requirements in Table 41 of this subpart for BLD systems. Alternatively, before August 1, 2017, you may install, operate, and maintain each continuous parameter monitoring system in a manner consistent with the manufacturer's specifications or other written procedures that provide adequate assurance that the equipment will monitor accurately.
- (vi) The continuous parameter monitoring system must complete a minimum of one cycle of operation for each successive 15-minute period. You must have a minimum of four successive cycles of operation to have a valid hour of data (or at least two if a calibration check is performed during that hour or if the continuous parameter monitoring system is out-of-control).
- (vii) Each continuous parameter monitoring system must have valid hourly average data from at least 75 percent of the hours during which the process operated, except for BLD systems.
- (viii) Each continuous parameter monitoring system must determine and record the hourly average of all recorded readings and if applicable, the daily average of all recorded readings for each operating day, except for BLD systems. The daily average must cover a 24-hour period if operation is continuous or the number of hours of operation per day if operation is not continuous, except for BLD systems.
- (ix) Each continuous parameter monitoring system must record the results of each inspection, calibration, and validation check.

You must monitor and collect data according to the requirements in paragraphs (x) and (xi) of this section.

- (x) Except for monitoring malfunctions, associated repairs, and required quality assurance or control activities (including as applicable, calibration checks and required zero and span adjustments), you must conduct all monitoring in continuous operation (or collect data at all required intervals) at all times the affected source is operating.
- (xi) You may not use data recorded during required quality assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments) for purposes of this regulation, including data averages and calculations, for fulfilling a minimum data availability requirement, if applicable. You must use all the data collected

during all other periods in assessing the operation of the control device and associated control system.

### 3.2.14. 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](mailto: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.

### 3.2.15. Notification

3.2.15.1. Notification Requirements for New or Reconstructed Part 63 NESHAP Sources (except as modified by Subpart UUU)  
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.

3.2.15.2. Notification Requirements for New or Reconstructed Part 63 Subpart UUU (Refinery MACT II) Affected Sources 40 CFR 63.1574(c) (11/19/2020)

The requirements for notification of startup of new or reconstructed affected sources for Subpart UUU affected sources are the same as noted in AOP Term 3.2.16.1 with the following clarifications, exceptions, or differences:

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

**3.2.16. Recordkeeping**

3.2.16.1. Recordkeeping for Part 63 NESHAP Sources (except for Subpart UUU, and 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.

3.2.16.2. Recordkeeping for Part 63 Subpart UUU Affected Sources 40 CFR 63.1576 (11/26/2018)

You must keep the records specified in paragraphs (i) through (iii) of this section.

- (i) A copy of each notification and report that you submitted to comply with this subpart, including all documentation supporting any initial notification or Notification of Compliance Status that you submitted, according to the requirements in 63.10(b)(2)(xiv).
- (ii) The records specified in paragraphs (a) through (d) of this section.

- a. Record the date, time, and duration of each startup and/or shutdown period for which the facility elected to comply with the alternative standards in 63.1564(a)(5)(ii) or 63.1565(a)(5)(ii) or 63.1568(a)(4)(ii) or (iii).
  - b. In the event that an affected unit fails to meet an applicable standard, record the number of failures. For each failure record the date, time and duration of each failure.
  - c. For each failure to meet an applicable standard, record and retain a list of the affected sources or equipment, an estimate of the volume of each regulated pollutant emitted over any emission limit and a description of the method used to estimate the emissions.
  - d. Record actions taken to minimize emissions in accordance with 63.1570(c) and any corrective actions taken to return the affected unit to its normal or usual manner of operation.
- (iii) Records of performance tests, performance evaluations, and opacity and visible emission observations as required in 63.10(b)(2)(viii).

For each continuous emission monitoring system and continuous opacity monitoring system, you must keep the records required in paragraphs (iv) through (viii) of this section.

- (iv) Records described in 63.10(b)(2)(vi) through (xi).
- (v) Monitoring data for continuous opacity monitoring systems during a performance evaluation as required in 63.6(h)(7)(i) and (ii).
- (vi) The performance evaluation plan as described in 63.8(d)(2) for the life of the affected source or until the affected source is no longer subject to the provisions of this part, to be made available for inspection, upon request, by the Administrator. If the performance evaluation plan is revised, you must keep previous (i.e., superseded) versions of the performance evaluation plan on record to be made available for inspection, upon request, by the Administrator, for a period of 5 years after each revision to the plan. The program of corrective action should be included in the plan required under 63.8(d)(2).
- (vii) Requests for alternatives to the relative accuracy test for continuous emission monitoring systems as required in 63.8(f)(6)(i).
- (viii) Records of the date and time that each deviation started and stopped.

You must keep the records in 63.6(h) for visible emission observations.

You must keep records required by Tables 6, 7, 13, and 14 of this subpart (for catalytic cracking units); Tables 20, 21, 27 and 28 of this subpart (for catalytic reforming units); Tables 34 and 35 of this subpart (for sulfur recovery units); and Table 39 of this subpart (for bypass lines) to show continuous compliance with each emission limitation that applies to you.

You must keep a current copy of your operation, maintenance, and monitoring plan onsite and available for inspection. You also must keep records to show continuous compliance with the procedures in your operation, maintenance, and monitoring plan.

You also must keep the records of any changes that affect emission control system performance including, but not limited to, the location at which the vent stream is introduced into the flame zone for a boiler or process heater.

Your records must be in a form suitable and readily available for expeditious review according to 63.10(b)(1).

As specified in 63.10(b)(1), you must keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record.

You must keep each record on site for at least 2 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, according to 63.10(b)(1). You can keep the records offsite for the remaining 3 years.

### 3.2.17. **Startup, Shutdown, and Malfunction Recordkeeping and Reports**

#### 3.2.17.1. SSM Recordkeeping and Reports for Part 63 NESHAP Sources (except Subpart 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 and when the actions taken are different from the procedures specified in the affected:
- (v) Each period during which a CMS is malfunctioning or inoperative (including out-of-control periods);
- (vi) All required measurements needed to demonstrate compliance with a relevant standard (including, but not limited to, 15-minute averages of CMS data, raw performance testing measurements, and raw performance evaluation measurements, that support data that the source is required to report);
  - a. This paragraph applies to owners or operators required to install a continuous emissions monitoring system (CEMS) where the CEMS installed is automated, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. An automated CEMS records and reduces the measured data to the form of the pollutant emission standard through the use of a computerized data acquisition system. In lieu of maintaining a file of all CEMS subhourly measurements as required under paragraph (b)(2)(vii) of this section, the owner or operator shall retain the most recent consecutive three averaging periods of subhourly measurements and a file that contains a hard copy of the data acquisition system algorithm used to reduce the measured data into the reportable form of the standard.
  - b. This paragraph applies to owners or operators required to install a CEMS where the measured data is manually reduced to obtain the reportable form of the standard, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. In lieu of maintaining a file of all CEMS subhourly measurements as required under paragraph (b)(2)(vii) of this section, the owner or operator shall retain all subhourly measurements for the most recent reporting period. The subhourly measurements shall be retained for 120 days from the date of the most recent summary or excess emission report submitted to the Administrator.
  - c. The Administrator or delegated authority, upon notification to the source, may require the owner or operator to maintain all measurements as required by paragraph (b)(2)(vii), if the Administrator or the delegated authority determines

these records are required to more accurately assess the compliance status of the affected source.

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

3.2.17.2. SSM Reports for 40 CFR 63 Subpart DDDDD (Boiler MACT) Affected Sources 40 CFR 63.7555(d)(7) (10/6/2022) and 63.7550(c)(5)(xiii) and (xviii) (11/20/2015)

The requirements for startup, shutdown and malfunction reports for Subpart DDDDD affected sources are the same as noted in AOP Term 3.2.16.1 above with the following exceptions:

- (i) Keep records of actions taken during periods of malfunction to minimize emission in accordance with the general duty to minimize emissions in §63.7500(a)(3), including corrective actions to restore the malfunctioning boiler or process heater, air pollution control, or monitoring equipment to its normal or usual manner of operation.
- (ii) Report all malfunctions that occurred during the reporting period. The report must include the number, duration, and a brief description for each type of malfunction which occurred during the reporting period and which caused or may have caused any applicable emission limitation to be exceeded. The report must also include a description of actions taken by you during a malfunction of a boiler, process heater, or associated air pollution control device or CMS to minimize emissions in accordance with §63.7500(a)(3), including actions taken to correct the malfunction.
- (iii) Report each instance of startup and shutdown, including the information required to be monitored, collected, or recorded according to the requirements of §63.7555(d).

3.2.17.3. SSM Recordkeeping & Reports for Part 63 Subpart UUU Affected Sources 40 CFR 63.1575(d) and (e) (11/26/2018)

For each deviation from an emission limitation and for each deviation from the requirements for work practice standards that occurs at an affected source where you are not using a continuous opacity monitoring system or a continuous emission monitoring system to comply with the emission limitation or work practice standard in this subpart, the semiannual compliance report must contain the information in (i) through (iv) of this section.

- (i) The total operating time of each affected source during the reporting period and identification of the sources for which there was a deviation.
- (ii) Information on the number, date, time, duration, and cause of deviations (including unknown cause, if applicable).
- (iii) Information on the number, duration, and cause for monitor downtime incidents (including unknown cause, if applicable, other than downtime associated with zero and span and other daily calibration checks).
- (iv) The applicable operating limit or work practice standard from which you deviated and either the parameter monitor reading during the deviation or a description of how you deviated from the work practice standard.

For each deviation from an emission limitation occurring at an affected source where you are using a continuous opacity monitoring system or a continuous emission monitoring system to comply with the emission limitation, you must include the information in (v) through (xvii) of this section.

- (v) [Reserved]
- (vi) The date and time that each continuous opacity monitoring system or continuous emission monitoring system was inoperative, except for zero (low-level) and high-level checks.
- (vii) The date and time that each continuous opacity monitoring system or continuous emission monitoring system was out-of-control, including the information in 63.8(c)(8).
- (viii) An estimate of the quantity of each regulated pollutant emitted over the emission limit during the deviation, and a description of the method used to estimate the emissions.
- (ix) A summary of the total duration of the deviation during the reporting period (recorded in minutes for opacity and hours for gases and in the averaging period specified in the regulation for other types of emission limitations), and the total duration as a percent of the total source operating time during that reporting period.
- (x) A breakdown of the total duration of the deviations during the reporting period and into those that are due to control equipment problems, process problems, other known causes, and other unknown causes.
- (xi) A summary of the total duration of downtime for the continuous opacity monitoring system or continuous emission monitoring system during the reporting period (recorded in minutes for opacity and hours for gases and in the averaging time specified in the regulation for other types of standards), and the total duration of downtime for the continuous opacity monitoring system or continuous emission monitoring system as a percent of the total source operating time during that reporting period.
- (xii) A breakdown of the total duration of downtime for the continuous opacity monitoring system or continuous emission monitoring system during the reporting period into periods that are due to monitoring equipment malfunctions, non-monitoring equipment malfunctions, quality assurance/quality control calibrations, other known causes, and other unknown causes.
- (xiii) An identification of each HAP that was monitored at the affected source.
- (xiv) A brief description of the process units.
- (xv) The monitoring equipment manufacturer(s) and model number(s).
- (xvi) The date of the latest certification or audit for the continuous opacity monitoring system or continuous emission monitoring system.
- (xvii) A description of any change in the continuous emission monitoring system or continuous opacity monitoring system, processes, or controls since the last reporting period.

### 3.2.18. Reports

#### 3.2.18.1. Report Requirements for Part 63 Subpart UUU Affected Sources 40 CFR 63.1575(a) & (b) and Table 43 (11/26/2018)

You must submit each report in Table 43. Unless the Administrator has approved a different schedule, you must submit each report by the date in Table 43 of this subpart and according to the requirements in paragraphs (i) through (v) of this section.

- (iv) The first compliance report must cover the period beginning on the compliance date that is specified for your affected source in 63.1563 and ending on June 30 or December 31,

whichever date is the first date following the end of the first calendar half after the compliance date that is specified for your affected source in 63.1563.

- (v) The first compliance report must be postmarked or delivered no later than July 31 or January 31, whichever date follows the end of the first calendar half after the compliance date that is specified for your affected source in 63.1563.
- (vi) Each 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.
- (vii) Each subsequent compliance report must be postmarked or delivered no later than July 31 or January 31, whichever date is the first date following the end of the semiannual reporting period.
- (viii) For each affected source that is subject to permitting regulations pursuant to part 70 or 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) of this chapter, you may submit the first and subsequent compliance reports according to the dates the permitting authority has established instead of according to the dates in paragraphs (i) through (iv) of this section.

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

You must submit each report in Table 9 to this subpart that applies to you.

Unless the EPA Administrator has approved a different schedule for submission of reports under 63.10(a), you must submit each report by the date in Table 9 to this subpart and according to the requirements in paragraphs (i) through (iv) of this section. 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 Table 4 operating limits, you may 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 section.

A compliance report must contain the following information depending on how the facility chooses to comply with the limits set in this rule.

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.

### 3.2.19. Deviation Reporting

*Deviation Reporting Requirements for 40 CFR 63 Subpart UUU Affected Sources 40 CFR 63.1570(f) (12/1/2015), 63.1575(a)-(g), (i) & (k) (11/26/2018) and Table 43 (11/26/2018)*

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

Submit compliance reports covering the semiannual reporting period from January 1 through June 30 and from July 1 through December 31.

The compliance report must contain the following:

- (i) The company name and address;
- (ii) A statement by a responsible official with the official's name, title, and signature, certifying the accuracy of the content of the report; and
- (iii) The date of the report and the beginning and ending dates of the reporting period.

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

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

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

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

### **3.2.20. Recordkeeping Requirements for Sources with Continuous Monitoring Systems**

#### **3.2.20.1. CMS Recordkeeping for Part 63 NESHAP Sources (except for Subpart UUU; except for Subpart DDDDD where 63.10(c)(10), (11) & (15) do not apply) 40 CFR 63.10(c) (11/19/2020)**

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

- (i) All required CMS measurements (including monitoring data recorded during unavoidable CMS breakdowns and out-of-control periods);
- (ii) [Reserved]
- (iii) The date and time identifying each period during which the CMS was inoperative except for zero (low-level) and high-level checks;
- (iv) The date and time identifying each period during which the CMS was out of control, as defined in §63.8(c)(7);
- (v) The specific identification (i.e., the date and time of commencement and completion) of each period of excess emissions and parameter monitoring exceedances, as defined in the relevant standard(s), that occurs during startups, shutdowns, and malfunctions of the affected source;
- (vi) The specific identification (i.e., the date and time of commencement and completion) of each time period of excess emissions and parameter monitoring exceedances, as defined in the relevant standard(s), that occurs during periods other than startups, shutdowns, and malfunctions of the affected source;
- (vii) [Reserved]
- (viii) The nature and cause of any malfunction (if known);
- (ix) The corrective action taken or preventive measures adopted;
- (x) The nature of the repairs or adjustments to the CMS that was inoperative or out of control;
- (xi) The total process operating time during the reporting period; and
- (xii) All procedures that are part of a quality control program developed and implemented for CMS under §63.8(d).

3.2.20.2. Recordkeeping Requirements for CMS for Part 63 Subpart UUU Affected Sources  
40 CFR 63.1576(b) (11/26/2018)

For each continuous emission monitoring system and continuous opacity monitoring system, you must keep the records required in paragraphs (i) through (v) of this section.

- (i) Records described in 63.10(b)(2)(vi) through (xi).
- (ii) Monitoring data for continuous opacity monitoring systems during a performance evaluation as required in 63.6(h)(7)(i) and (ii).
- (iii) The performance evaluation plan as described in 63.8(d)(2) for the life of the affected source or until the affected source is no longer subject to the provisions of this part, to be made available for inspection, upon request, by the Administrator. If the performance evaluation plan is revised, you must keep previous (i.e., superseded) versions of the performance evaluation plan on record to be made available for inspection, upon request, by the Administrator, for a period of 5 years after each revision to the plan. The program of corrective action should be included in the plan required under 63.8(d)(2).
- (iv) Requests for alternatives to the relative accuracy test for continuous emission monitoring systems as required in 63.8(f)(6)(i).
- (v) Records of the date and time that each deviation started and stopped.

**3.2.21. Notification of Compliance Status (NCS)**

3.2.21.1. NCS for Part 63 NESHAPs Sources (except Subpart 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.

3.2.21.2. NCS for 40 CFR 63 Subpart UUU (Refinery MACT II) Affected Sources  
40 CFR 63.1574(a)(3) & (d) (11/19/2020) and Table 42 (2/9/2005)

The requirements for Notifications of Compliance Status for Subpart UUU affected sources are the same as noted in AOP Term 3.2.22.1 with the following clarifications, exceptions, or differences:

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

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

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

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

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

The requirements for Notifications of Compliance Status for Subpart DDDDD affected sources are the same as noted in 3.2.22.1 with the following clarifications, exceptions, or differences:

The NCS shall be submitted by close of business on the 60<sup>th</sup> 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.

MR&R requirements noted as "CAM" are part of the Compliance Assurance Monitoring (CAM) Plan for the specified unit(s) as required by 40 CFR 64.6(c) (10/22/1997). The CAM plan submitted by the facility per 40 CFR 64.4 is included in the Statement of Basis document accompanying this permit.

**Table 4-1 Generally Applicable Requirements**

Permit Term	Citation	Description	Monitoring, Recordkeeping, & Reporting
<p>4.1 General</p>	<p>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)</p>	<p><u>Required Monitoring Reports</u>  Submit reports of any required monitoring to the NWCAA at least once every six months. All instances of deviations from permit requirements must be clearly identified in such reports.</p>	<p><i>Directly Enforceable:</i>  Monthly reports shall cover a calendar month, quarterly reports shall cover a calendar quarter, six-month reports shall cover January through June and July through December, and annual reports shall cover a calendar year. The reports shall be submitted within 30 days after the close of the period that the reports cover, except when the reporting deadline is specified in a permit term including, but not necessarily limited to;  Term 2.1.8.3 - Source testing  Term 2.4.1.1 - Annual AOP certification  Term 2.4.4.3 - Annual emissions inventory  Term 2.4.5.2 - Annual GHG emissions  Term 2.10 - GHG Clean Air Rule  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.</p>
<p>4.2 General</p>	<p>NWCAA Section 342 (9/8/1993)  NWCAA Section 342 (7/10/2025 State Only)  WAC 173-401-615(1)(b) &amp; (c) (10/17/2002)</p>	<p><u>Operation and Maintenance</u>  Sources are required to keep any process and/or air pollution control equipment in good operating condition and repair.</p>	<p>Operating instructions and maintenance schedules for process and/or control equipment must be available on site.  <i>Directly Enforceable:</i>  Monitor, keep records and report in accordance with the terms of this permit.</p>

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)	<p><u>General Nuisance</u></p> <p>No person shall discharge from any source quantities of air contaminants, with the exception of odors, in sufficient amounts and of such characteristics and duration as is likely to be injurious or cause damage to human health, plant or animal life, or property; or which unreasonably interferes with enjoyment of life and property.</p> <p>An air contaminant is defined as "dust, fumes, mist, smoke, other particulate matter, vapor gas, odorous substance, or any combination thereof.</p>	<p><i>Directly Enforceable:</i></p> <p>Upon receiving an air contaminant complaint from the NWCAA or the public, all possible sources of the nuisance emissions at the facility shall be checked for proper operation. Problems identified shall be repaired or corrected as soon as practicable. If the problems identified cannot be repaired or corrected within four hours, action shall be taken to minimize emissions until repairs can be made and the NWCAA shall be notified within 12 hours with a description of the complaint and action being taken to resolve the problem.</p>
4.4 Nuisance	WAC 173-400-040(5) (3/22/1991)  WAC 173-400-040(6) (2/12/2025 State Only)  WAC 173-401-615(1)(b) & (c) (10/17/2002)	<p><u>Emission Detrimental to Persons or Property</u></p> <p>No person shall cause or allow the emission of any air contaminant from any source if it is detrimental to the health, safety, or welfare of any person, or causes damage to property or business.</p>	<p>The results of the investigation, identification of any malfunctioning equipment or aberrant operation, and the date and time of repair or mitigation shall be recorded. A log of these records shall be maintained for inspection.</p> <p>Receipt of a nuisance complaint in itself shall not necessarily be a violation.</p>
4.5 Odor	NWCAA Section 535 (7/10/2025 State Only)  WAC 173-401-615(1)(b) & (c) (10/17/2002)	<p><u>Odor Control Measures</u></p> <p>Appropriate practices and control equipment shall be installed and operated to reduce odor-bearing gases emitted into the atmosphere to a reasonable minimum.</p> <p>Any person who shall cause the generation of any odor from any source which may reasonably interfere with any other property owner's use and enjoyment of their property must use recognized best practices and control equipment to reduce these odors to a reasonable minimum.</p> <p>No person shall cause or permit the emission of any odorous air contaminant from any source if it is detrimental to the health, safety, or welfare of any person, or causes damage to property or business.</p>	

Permit Term	Citation	Description	Monitoring, Recordkeeping, & Reporting
4.6 Odor	WAC 173-400-040(5) (2/12/2025 State Only) WAC 173-401-615(1)(b) & (c) (10/17/2002)	<u>Odors</u> 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.	<i>Directly Enforceable:</i> Follow MR&R under AOP Term 4.3.
4.7 PM	NWCAA Section 550 (4/14/1993) WAC 173-401-615(1)(b) & (c) (10/17/2002)	<u>Preventing Particulate Matter from Becoming Airborne</u> Best Available Control Technology (BACT) is required to prevent the release of fugitive matter to the ambient air. Nuisance particulate fallout is prohibited.	
4.8 PM	NWCAA Section 550 (7/10/2025 State Only) WAC 173-401-615(1)(b) & (c) (10/17/2002)	<u>Preventing Particulate Matter from Becoming Airborne</u> The owner or operator of a source or activity that generates fugitive dust, including, but not limited to, material handling, building construction or demolition, abrasive blasting, roadways, and lots, shall employ reasonable precautions to prevent fugitive dust from becoming airborne and must maintain and operate the source or activity to minimize emissions.  It shall be unlawful for any person to cause or allow the emission of particulate matter which becomes deposited upon the property of others in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property.	
4.9 PM	WAC 173-400-040(3) (2/12/2025 State Only) WAC 173-401-615(1)(b) & (c) (10/17/2002)	<u>Fallout</u> Source may not generate the emission of particulate matter to be deposited beyond the property line in sufficient quantity to interfere unreasonably with the use and enjoyment of the property upon which the material is deposited.	

Permit Term	Citation	Description	Monitoring, Recordkeeping, & Reporting
4.10 PM	<p>WAC 173-400-040(3)(a) (3/22/1991)</p> <p>WAC 173-400-040(4) (2/12/2025 State Only)</p> <p>WAC 173-401-615(1)(b) &amp; (c) (10/17/2002)</p>	<p><u>Fugitive Emissions</u></p> <p>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.</p> <p>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.</p>	<p><i>Directly Enforceable:</i></p> <p>Follow MR&amp;R under AOP Term 4.3.</p>
4.11 PM	<p>WAC 173-400-040(8)(a) (3/22/1991)</p> <p>WAC 173-400-040(9) (2/12/2025 State Only)</p> <p>WAC 173-401-615(1)(b) &amp; (c) (10/17/2002)</p>	<p><u>Fugitive Dust</u></p> <p>Reasonable precautions to prevent release of fugitive dust required. Maintain and operate source to minimize emissions.</p> <p>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<sub>10</sub> or PM<sub>2.5</sub> 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).</p>	

Permit Term	Citation	Description	Monitoring, Recordkeeping, & Reporting
4.12 VE	NWCAA 451.1 10/13/1994) NWCAA 451.1 (7/10/25 State Only) WAC 173-401-615(1)(b) & (c) (10/17/2002)	<u>Emission of Air Contaminant - Visual Standard</u> 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 <sup>3</sup> ) grain/dscf.	<i>Directly Enforceable:</i> At least once during each calendar month that an emission unit operates, conduct qualitative visual observations on each stack while operating to determine whether there are visible emissions (VE). If, at any time, visible emissions are observed, take one or more of the following actions within 24 hours or it will be considered prima facie evidence that all applicable opacity limits have been exceeded. <ul style="list-style-type: none"> <li>• Complete action that returns visible emissions to a non-visible level.</li> </ul>
4.13 VE	WAC 173-400-040(1) (3/22/1991) WAC 173-400-040(2) (2/12/2025 State Only) WAC 173-401-615(1)(b) & (c) (10/17/2002)	<u>Visible Emissions</u> 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 percent 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.	<ul style="list-style-type: none"> <li>• Shutdown the unit until appropriate corrective action can be taken.</li> <li>• Observe and record VE using a certified observer in accordance with EPA Method 9 (six consecutive minutes). If any single reading is greater than an applicable numerical opacity limit, the certified observer shall determine opacity in accordance with the appropriate method for each opacity limit applicable to that emission unit. A certified observer shall determine opacity on a daily basis according to each applicable opacity limit until visible emissions are determined to be in compliance with each opacity limit.</li> </ul> For each qualitative VE observation, record the date and time of the observation, emission unit(s) observed, and name of observer. For stacks with visible emissions, record any related equipment or operational failure, failure dates and times, duration of visible emissions, and corrective actions taken. The periodic VE observation frequency may be reduced from monthly to quarterly if no visible emissions are observed for six consecutive months. If visible emissions are observed, the observation frequency shall revert back to monthly. Compliance with this MR&R does not excuse an exceedance of the underlying opacity standard.

Permit Term	Citation	Description	Monitoring, Recordkeeping, & Reporting
4.14 PM	NWCAA 455.1 (4/14/1993) NWCAA 455.1 (7/10/2025 State Only) WAC 173-401-630(1) (3/5/2016)	<u>Emission of Particulate Matter</u> No person shall cause or permit emission of particulate matter in excess of 0.10 grain/dry standard cubic foot (dscf) (0.23 g/m <sup>3</sup> ) (combustion emissions shall be corrected to 7% O <sub>2</sub> ) except: from all gaseous and distillate fuel burning equipment, emissions shall not exceed 0.05 grain/dscf (0.11 g/m <sup>3</sup> ) corrected to 7% oxygen.	<i>Directly Enforceable:</i> Follow MR&R under AOP Term 4.12.
4.15 PM	WAC 173-400-060 (11/25/2018) WAC 173-400-060 (2/12/25 State Only) WAC 173-401-615(1)(b) & (c) (10/17/2002)	<u>Emission Standards for General Process Units</u> Particulate emissions greater than 0.1 grain/dscf prohibited.	
4.16 PM	WAC 173-400-050(1) and (3) (9/16/2018) WAC 173-400-050(1) & (3) (2/12/2025 State Only) WAC 173-401-615(1)(b) & (c) (10/17/2002)	<u>Emission Standards for Combustion and Incineration Units</u> Particulate emissions from combustion units greater than 0.1 grains/dscf corrected to 7% oxygen prohibited. 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.	<i>Directly Enforceable:</i> Follow MR&R under AOP Term 4.12.
4.17	NWCAA 460 (7/10/2025 State Only) WAC 173-401-630(1)(3/5/2016)	<u>Ambient SO<sub>2</sub></u> Install, calibrate, maintain, and operate the following monitoring equipment in accordance with the provisions of NWCAA 367: <ul style="list-style-type: none"> <li>• At least one continuous recording meteorological station equipped to record wind speed and direction</li> <li>• At least one SO<sub>2</sub> ambient station.</li> </ul>	<i>Directly Enforceable</i> Continuously operate and maintain an ambient SO <sub>2</sub> air monitor and report to the NWCAA as per the requirements in NWCAA Regulations Appendix A (7/14/2005).

Permit Term	Citation	Description	Monitoring, Recordkeeping, & Reporting
4.18 SO <sub>2</sub>	NWCAA Section 462 (10/13/1994) WAC 173-401-615(1)(b) & (c) (10/17/2002)	<u>Emission of Sulfur Compounds</u> Sulfur compounds emissions, calculated as SO <sub>2</sub> , shall not exceed 1,000 ppmvd averaged for a 60 consecutive minute period. For combustion emissions, the exhaust gas volume shall be corrected to 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.	<i>Directly Enforceable:</i> Monitor and record the concentration of stack SO <sub>2</sub> , or alternatively fuel gas H <sub>2</sub> S and/or total sulfur (TS), in accordance with the applicable permit terms listed in AOP Section 5.
4.19	NWCAA Section 462 (7/10/2025 State Only) WAC 173-401-615(1)(b) & (c) (10/17/2002)	<u>Emission of Sulfur Compounds</u> Sulfur compounds emissions, calculated as SO <sub>2</sub> , shall not exceed 1,000 ppmvd averaged for a 60 consecutive minute period. For combustion emissions, the exhaust gas volume shall be corrected to 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.	
4.20 SO <sub>2</sub>	WAC 173-400-040(6) first paragraph only (3/22/1991) WAC 173-401-615(1)(b) & (c) (10/17/2002)	<u>Sulfur Dioxide</u> SO <sub>2</sub> emissions shall not exceed 1,000 ppmvd, corrected to 7% oxygen for combustion sources, based on the average of any 60 consecutive minute period.	

Permit Term	Citation	Description	Monitoring, Recordkeeping, & Reporting
4.21 SO <sub>2</sub>	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)	<p><u>Sulfur Compounds in Fuel</u></p> <p>Prohibited to burn, sell, or make available for sale for burning in fuel burning equipment within the jurisdiction of the NWCAA, fuel containing sulfur in excess of the following for a time period not to exceed 30 days in a 12-month period:</p> <ul style="list-style-type: none"> <li>• #1 distillate – 0.3 wt%</li> <li>• #2 distillate – 0.5 wt%</li> <li>• other fuel oils – 2.0 wt%</li> <li>• solid fuels – 2.0 wt%</li> </ul>	<p><i>Directly Enforceable:</i></p> <p>Retain fuel specifications and purchase records verifying that fuel combusted has a sulfur content below the allowable limits. Fuel testing for sulfur content shall be conducted in accordance with ASTM D-4294 (Industrial and Marine Fuel Oils) or ASTM D-2622 (Distillate Fuel Oil).</p>
4.22 SO <sub>2</sub>	NWCAA 520.1, 520.11, 520.12, 520.13, 520.14, 520.15, 520.2 (7/10/2025 State Only)  WAC 173-401-615(1)(b) & (c) (10/17/2002)	<p><u>Sulfur Compounds in Fuel</u></p> <p>Prohibited to burn, sell, or make available for sale for burning in fuel burning equipment within the jurisdiction of the NWCAA, fuel containing sulfur in excess of the following for a time period not to exceed 30 days in a 12-month period:</p> <ul style="list-style-type: none"> <li>• #1 distillate – 0.3 wt%</li> <li>• #2 distillate – 0.5 wt%</li> <li>• other fuel oils – 2.0 wt%</li> <li>• gaseous fuels - 50 gr/100 scf (412 ppm at standard conditions)</li> <li>• solid fuels – 2.0 wt%</li> </ul> <p>Ocean-going vessels are exempt.</p>	

## **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) and 615(1) and (2) or the underlying requirement. MR&R obligations do not apply to insignificant emission units. The test method cited or any credible evidence may be used to determine compliance.

The requirements in the MR&R column labeled "Directly Enforceable" are legally enforceable requirements added under 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.

MR&R requirements noted as "CAM" are part of the Compliance Assurance Monitoring (CAM) Plan for the specified unit(s) as required by 40 CFR 64.6(c) (10/22/1997). The CAM plan submitted by the facility per 40 CFR 64.4 is included in the Statement of Basis document accompanying this permit.

The provisions of federally approved NWCAA Sections 365, 366 and the "Guidelines for Industrial Monitoring Equipment and Data Handling" have been replaced in this section by NWCAA Section 367 and Appendix A - "Ambient Monitoring, Emission Testing, and Continuous Emission and Opacity Monitoring". NWCAA Section 367 was adopted on July 10, 2025 and Appendix A was adopted on July 14, 2005 with a provision that applicable sources would be allowed one year from the date of adoption to achieve compliance with Appendix A. The new regulations are "State Only" until incorporated into the State Implementation Plan.

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

**Table 5-1 Sulfuric Acid Plant**

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
<b>Sulfuric Acid Plant [40 CFR 60 General Provisions included in AOP Section 3 apply to this affected facility]</b>			
5.1.1	PSD 94-01 Amendment 1 Condition 6 (1/14/98)	Develop and follow operating and maintenance manuals for all equipment that has the potential to affect emissions to the atmosphere. Emissions that result from a failure to follow the requirements of the manuals may be considered proof that the equipment was not properly operated and maintained.	Keep copies of the manuals available to NWCAA and Ecology.
5.1.2	PSD 94-01 Amendment 1 Conditions 4 & 5 (1/14/98)	CEMS and process data shall be reported in written form to NWCAA at least monthly, within 30 days of the end of each calendar month.	<p>Include in the monthly report:</p> <ul style="list-style-type: none"> <li>• Monthly average, in units of the standard for each pollutant monitored;</li> <li>• Duration of CEM downtime, due to: <ul style="list-style-type: none"> <li>○ Monitor equipment malfunction,</li> <li>○ Non-monitor equipment malfunction,</li> <li>○ Quality assurance calibration,</li> <li>○ Other causes, and</li> <li>○ Percentage of time the monitor was not operating as compared to the total source operating time;</li> </ul> </li> <li>• Results of any monitor audits or accuracy checks;</li> <li>• Results of any stack tests.</li> </ul> <p>For each occurrence of monitored emissions in excess of the standard, in the monitoring report include:</p> <ul style="list-style-type: none"> <li>• The time of the occurrence;</li> <li>• Magnitude of the excess emission or process parameter;</li> <li>• Duration of the excess emissions;</li> <li>• Probable cause, including startup/shutdown, control equipment problems, process equipment problems, other causes and the percentage of time of excess emissions as compared to total operating time;</li> <li>• Corrective actions taken or planned; and</li> <li>• Any other agency contacted.</li> </ul>

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.1.3 SO <sub>2</sub>	40 CFR 60 Subpart H 60.82(a) (6/14/74) and 60.84(a)-(c), & (e) (2/27/14)  NWCAA 465.11, 465.23, & 465.24 (4/14/93 State Only)  WAC 173-401-630(1) (3/5/16)	Sulfuric acid plant emissions shall not exceed 4 lb SO <sub>2</sub> /ton of sulfuric acid produced (production expressed as 100% H <sub>2</sub> SO <sub>4</sub> ).  Establish a conversion factor to convert the SO <sub>2</sub> monitoring data into units of the standard (lb SO <sub>2</sub> /ton of sulfuric acid produced). The conversion factor shall be determined, at a minimum, three times daily by measuring the concentration of SO <sub>2</sub> entering the converter using suitable methods and calculating the appropriate conversion factor for each eight-hour period as follows:  $CF = k[(1.000 - 0.015r)/(r - s)]$  where:  CF=conversion factor (lb/ton per ppm) k=0.1306 (constant derived from material balance) r=%vol SO <sub>2</sub> entering the gas converter s=%vol SO <sub>2</sub> to the atmosphere determined by the CEMS  Periods of excess emissions shall be all three-hour periods (or the arithmetic average of three consecutive one-hour periods) during which the integrated average sulfur dioxide emissions exceed the standard.	Install, calibrate, operate and maintain a continuous monitoring system to measure SO <sub>2</sub> . The pollutant gas used to prepare calibration gas mixtures under Performance Specification 2 and for calibration checks under 60.13(d) shall be SO <sub>2</sub> . The span value shall be set at 1000 ppm SO <sub>2</sub> .  Record all conversion factors and values from which they were computed.  <i>Directly Enforceable:</i>  The monitoring equipment required to be installed shall comply with the equipment and performance specifications and reporting requirements in NWCAA Section 367.  Conduct annual performance tests to demonstrate compliance with the standard according to 40 CFR 60 Appendix A, Test Methods 1-4 and 6 or 6C.
5.1.4 SO <sub>2</sub>	PSD 94-01 Amendment 1 Condition 1 (1/14/98)  WAC 173-401-630(1) (3/5/16)	Do not exceed 315 ppmvd SO <sub>2</sub> on a 3-hour average or 59.9 lb SO <sub>2</sub> /hr on a 3-hour average, from the acid plant common stack, whichever is more stringent.	Compliance shall be determined by a CEMS. The CEMS used to measure SO <sub>2</sub> emissions shall, at a minimum, conform with 40 CFR 60 Appendix B Performance Specifications. The CEMS quality control plan conforming to 40 CFR 60 Appendix F may be required to be periodically updated.  <i>Directly Enforceable:</i>  Conduct annual performance tests to demonstrate compliance with the standard according to 40 CFR Part 60 Appendix A, Test Methods 1-4 and 6 or 6C.

<p>5.1.5 H<sub>2</sub>SO<sub>4</sub></p>	<p>OAC 458d Conditions (1) &amp; (3) (6/25/15)   40 CFR 64.3(b); 64.6(c); 64.7(c), (d) &amp; (e); and 64.9(a) &amp; (b) (10/22/97) (CAM)   WAC 173-401-630(1) (3/5/16)</p>	<p>Sulfuric acid mist emissions from the acid plant common stack shall not exceed <math>1.5 \times 10^{-6}</math> lb/dscf hourly average expressed as 100% H<sub>2</sub>SO<sub>4</sub>. In addition, sulfuric acid mist emissions from the stack shall not exceed 0.105 pounds per ton of sulfuric acid produced on an hourly average.</p>	<p>Determine compliance using the arithmetic average of three one-hour test runs conducted during annual performance testing. Performance tests shall be performed according to 40 CFR 60 Appendix A Method 8.</p> <p><i>Directly Enforceable:</i></p> <p>Daily sulfuric acid production on a facility-wide basis may be a suitable method to determine production rate of 100% H<sub>2</sub>SO<sub>4</sub> for each test run.</p> <p><i>CAM:</i></p> <p>Install, calibrate, maintain, and operate differential pressure monitoring devices measuring the differential pressure across Abatement Unit 10 and 11 mist eliminator pads in accordance with manufacturer's specifications. Calibrate the differential pressure monitoring devices in accordance with manufacturer's specifications but no less frequently than once every 12 months. Calibration information shall be recorded.</p> <p>When the abatement unit is operating, measure and record the differential pressure of the associated mist eliminator pad daily in a written log, along with the date, time, and reader initials.</p> <p>A potential excursion is defined as two consecutive daily differential pressure readings below 0.2" H<sub>2</sub>O for Abatement Unit 10 or 0.4" H<sub>2</sub>O for Abatement Unit 11. Potential excursions trigger an inspection. If it is determined that the decreased differential pressure is due to a decrease in SPU operation, this is not an excursion but shall be noted in a log and daily qualitative visible emission observations of the Sulfuric Acid Plant stack shall commence. If there is no corresponding SPU operation decrease, this is an excursion which requires corrective action as soon as practicable and reporting.</p> <p>A visible emissions (VE) observation excursion is defined as a single daily qualitative reading where opacity is observed. A VE excursion triggers an inspection, corrective action as soon as practicable, and reporting. Daily VE observations will end for that abatement unit when the daily differential pressure reading rises above the designated threshold.</p> <p>While Method 9 certification is not required, staff conducting the VE observations shall be trained with respect to the general procedures for determining the presence of visible emissions. Staff shall be trained</p>
--	--	--	--

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
			<p>initially and have a refresher at least once every 12 months. Keep records of training.</p> <p>If the corrective action requires the unit be shut down, the issue shall be corrected during the next shutdown of the unit but no later than 90 days after the initial excursion. The date and a description of the corrective actions taken in response to each excursion shall be documented.</p> <p>Chemtrade may source test at any time and submit the results to NWCAA for approval to adjust the differential pressure thresholds in this term.</p> <p>Excursions and associated corrective actions will be reported in writing to NWCAA within 30 days after the end of the calendar month in which the excursion occurred.</p>
5.1.6 H <sub>2</sub> SO <sub>4</sub>	<p>40 CFR 60 Subpart H 60.83(a)(1) (10/6/75) and 60.85(a) &amp; (b) (2/14/89)</p> <p>40 CFR 64.3(b); 64.6(c); 64.7(c), (d) &amp; (e); and 64.9(a) &amp; (b) (10/22/97) (CAM)</p> <p>WAC 173-401-630(1) (3/5/16)</p>	<p>Sulfuric acid plant emissions shall not contain acid mist, expressed as H<sub>2</sub>SO<sub>4</sub>, in excess of 0.15 lb/ton of acid produced (production expressed as 100% H<sub>2</sub>SO<sub>4</sub>). Acid mist means sulfuric acid mist, as measured by Method 8.</p>	<p>Monitor in accordance with MR&amp;R for AOP Term 5.1.7</p>
5.1.7 H <sub>2</sub> SO <sub>4</sub>	<p>NWCAA 465.12 (4/14/93 State Only)</p> <p>40 CFR 64.3(b); 64.6(c); 64.7(c), (d) &amp; (e); and 64.9(a) &amp; (b) (10/22/97) (CAM)</p> <p>WAC 173-401-630(1) (3/5/16)</p>	<p>Sulfuric acid mist emissions (including sulfur trioxide) from the sulfuric acid plant shall not exceed 0.15 lb/ton of sulfuric acid produced, expressed as 100% sulfuric acid.</p>	<p>Monitor in accordance with MR&amp;R for AOP Term 5.1.7</p>

<p>5.1.8 H<sub>2</sub>SO<sub>4</sub></p>	<p>40 CFR 60 Subpart H 60.83(a)(2) (10/6/75) and 60.85(a) &amp; (b)(4) (2/14/89)  40 CFR 64.3(b); 64.6(c); 64.7(c), (d) &amp; (e); and 64.9(a) &amp; (b) (10/22/97) (CAM)  WAC 173-401-630(1) (3/5/16)</p>	<p>Sulfuric acid plant tailgas emissions shall not exhibit 10% opacity or greater using Method 9.</p>	<p><i>Directly Enforceable:</i> Monitor visible emissions in accordance with AOP Terms 4.12 through 4.16. <i>CAM:</i> Install, calibrate, maintain, and operate differential pressure monitoring devices measuring the differential pressure across Abatement Unit 10 and 11 mist eliminator pads in accordance with manufacturer's specifications. Calibrate the differential pressure monitoring devices in accordance with manufacturer's specifications but no less frequently than once every 12 months. Calibration information shall be recorded.  When the abatement unit is operating, measure and record the differential pressure of the associated mist eliminator pad daily in a written log, along with date, time, and reader initials.  A potential excursion is defined as two consecutive daily differential pressure readings below 0.2" H<sub>2</sub>O for Abatement Unit 10 or 0.4" H<sub>2</sub>O for Abatement Unit 11. Potential excursions trigger an inspection. If it is determined that the decreased differential pressure is due to a decrease in SPU operation, this is not an excursion but shall be noted in a log and daily qualitative visible emission observations of the Sulfuric Acid Plant stack shall commence. If there is no corresponding SPU operation decrease, this is an excursion which requires corrective action as soon as practicable and reporting.  A visible emissions (VE) observation excursion is defined as a single daily qualitative reading where opacity is observed. A VE excursion triggers an inspection, corrective action as soon as practicable, and reporting. Daily VE observations will end for that abatement unit when the daily differential pressure reading rises above the designated threshold.  While Method 9 certification is not required, staff conducting the VE observations shall be trained with respect to the general procedures for determining the presence of visible emissions. Staff shall be trained initially and have a refresher at least once every 12 months. Keep records of training.  If the corrective action requires the unit be shut down, the issue shall be corrected during the next shutdown of the unit but no later than 90 days after the initial excursion. The date and a description of the corrective actions taken in response to each excursion shall be documented.</p>
--	--	---	--

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
			<p>Chemtrade may source test at any time and submit the results to NWCAA for approval to adjust the differential pressure thresholds in this term.</p> <p>Excursions and associated corrective actions will be reported in writing to NWCAA within 30 days after the end of the calendar month in which the excursion occurred.</p>
5.1.9 H <sub>2</sub> SO <sub>4</sub>	<p>OAC 458d Condition (2) (6/25/15) 40 CFR 64.3(b); 64.6(c); 64.7(c), (d) &amp; (e); and 64.9(a) &amp; (b) (10/22/97) (CAM)  WAC 173-401-630(1) (3/5/16)</p>	<p>Visible emissions from the acid plant common stack shall not exceed an average of ten percent opacity in any consecutive six-minute period as determined by 40 CFR 60 Appendix A Method 9.</p>	<p><i>Directly Enforceable:</i> Monitor in accordance with MR&amp;R for AOP Term 5.1.8.</p>
5.1.10 H <sub>2</sub> SO <sub>4</sub>	<p>PSD 94-01 Amendment 1 Condition 2 (1/14/98) 40 CFR 64.3(b); 64.6(c); 64.7(c), (d) &amp; (e); and 64.9(a) &amp; (b) (10/22/97) (CAM)  WAC 173-401-630(1) (3/5/16)</p>	<p>Opacity from the acid plant common stack shall not exceed 10 percent for more than six minutes in any one-hour period as measured by EPA Method 9.</p>	<p><i>Directly Enforceable:</i> Monitor in accordance with MR&amp;R for AOP Term 5.1.8.</p>
5.1.11 H <sub>2</sub> SO <sub>4</sub>	<p>NWCAA 465.13 (4/14/93 State Only)  40 CFR 64.3(b); 64.6(c); 64.7(c), (d) &amp; (e); and 64.9(a) &amp; (b) (10/22/97) (CAM)  WAC 173-401-630(1) (3/5/16)</p>	<p>Visible emissions from the sulfuric acid plant shall not exceed 10% opacity or greater for three minutes.</p>	<p><i>Directly Enforceable:</i> Monitor in accordance with MR&amp;R for AOP Term 5.1.8.</p>

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.1.12 VE	NWCAA 451.1 (10/13/94) NWCAA 451.1 (11/8/07 State Only) WAC 173-401-630(1) (3/5/16)	<u>Emission of Air Contaminant - Visual Standard</u> No person shall cause or permit the emission, for any period aggregating more than 3 minutes in any 1 hour, of an air contaminant from any source which, at the point at emission, or within a reasonable distance of the point of emission, exceeds 20% opacity (Ecology Method 9A) except: When there is valid data to show that the opacity is in excess of 20% as a result of the presence of condensed water droplets, and that the concentration of the particulate matter, as shown by a source test approved by the Control Officer, is less than 0.10 (0.23 g/m <sup>3</sup> ) grain/dscf.	<i>Directly Enforceable:</i> Monitor in accordance with MR&R for AOP Term 5.1.8.
5.1.13 VE	WAC 173-400-040(1) (9/20/93) WAC 173-400-040(2) (9/16/18 State Only) WAC 173-401-630(1) (3/5/16)	<u>Visible Emissions</u> No person shall cause or allow the emission for more than 3 minutes, in any 1 hour, of an air contaminant from any emissions unit which at the emission point, or within a reasonable distance of the emission point, exceeds 20% opacity (Ecology Method 9A) except: When the owner or operator of a source supplies valid data to show that the presence of uncombined water is the only reason for the opacity to exceed 20%.	<i>Directly Enforceable:</i> Monitor in accordance with MR&R for AOP Term 5.1.8.
<b>SPU3 Startup Heater</b>			
5.1.14	OAC 880c Condition (1) (6/25/15)	The startup heater shall not operate for more than 1,000 hours in any 12-month period.	Records documenting operation time shall be updated at least monthly and include the date of operation and total hours of operation on each calendar day the unit is run. Operation records shall be kept on-site and available for review by NWCAA.
5.1.15	OAC 880c Condition (2) (6/25/15) WAC 173-401-630(1) (3/5/16)	Visible emissions from the startup heater stack shall not exceed an average of ten percent opacity in any consecutive six minute period as determined by 40 CFR 60 Appendix A Method 9.	<i>Directly Enforceable:</i> Monitor visible emissions in accordance with AOP Terms 4.12 through 4.16.

**Table 5-2 Sulfur Recovery Unit**

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
<b>Sulfur Recovery Unit (SRU) [40 CFR 60 and 63 General Provisions included in AOP Section 3 apply to this affected facility]</b>			
5.2.1 VE	OAC 650d Condition (8) (6/25/15)  WAC 173-401-630(1) (3/5/16)	Visible emissions from the incinerator stack shall not exceed an average of ten percent opacity in any consecutive 6-minute period as determined by 40 CFR 60 Appendix A Method 9.	<i>Directly Enforceable:</i>  Monitor visible emissions in accordance with AOP Terms 4.12 through 4.16.
5.2.2 SO <sub>2</sub>	OAC 650d Condition (7) (6/25/15)  WAC 173-401-615(1)(b) & (c) (10/17/02)	The sulfur dioxide (SO <sub>2</sub> ) emissions from the SRU shall not exceed 40 tons during any consecutive 12-month period.	<i>Directly Enforceable:</i>  Determine compliance using the 1-hour average SO <sub>2</sub> CEMS concentration data under AOP Term 5.2.5 multiplied by an average stack flow for the most recent 12 passing performance tests under AOP Term 5.2.3 summed over the 12-month period.
5.2.3 SO <sub>2</sub>	OAC 650d Conditions (2) & (6) (6/25/15)	Emissions of SO <sub>2</sub> from the SRU shall not exceed 9.2 pounds per hour SO <sub>2</sub> on a one-hour basis.	Determine compliance using the average of three 1-hour test runs conducted during annual performance tests performed within 12 months of the previous test. Performance tests shall be conducted according to EPA Methods 1, 2, 3A, 4, and 6 and NWCAA Section 367 and NWCAA Appendix A. Testing shall be conducted while operating at a minimum production rate of 25 tons per day (100% H <sub>2</sub> S basis).
5.2.4 HAP	40 CFR 63 Subpart UUU 63.1570(a) (12/1/15)	<u>Refinery MACT 2</u>  Non-opacity standards apply to affected sources at all times.	The responsible official shall certify compliance with these terms under AOP Term 2.4.1.
5.2.5 VE	40 CFR 63 Subpart UUU 63.1570(b) (12/1/15)	<u>Refinery MACT 2</u>  Opacity and visible emission standards apply to affected sources at all times.	

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

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

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.2.11	OAC 650d Conditions (4) & (6) (6/25/15)	<p>The SRU sulfur recovery efficiency shall not be less than 99 percent. The sulfur recovery efficiency shall be calculated as follows:</p> $e = \frac{S_{recovered} \times 100}{S_{recovered} + S_{incinerator}}$ <p>Where:</p> <p><math>e</math> = sulfur recovery efficiency, %  <math>S_{recovered}</math> = elemental sulfur in pit, lb/hr  <math>S_{incinerator}</math> = sulfur in incinerator stack, lb/hr</p>	<p>Determine compliance using the average of three 1-hour test runs conducted during annual performance tests performed within 12 months of the previous test. Performance tests shall be conducted according to EPA Methods 1, 2, 3A, 4, 6, and 8 and NWCAA Section 367 and NWCAA Appendix A. Testing shall be conducted while operating at a minimum production rate of 25 tons per day (100% H<sub>2</sub>S basis).</p>
<b>Fugitive Components in VOC Service [40 CFR 60 General Provisions included in AOP Section 3 apply to this affected facility]</b>			
5.2.12 VOC	<p>40 CFR 60 Subpart GGG 60.590-60.593 (6/2/08, 11/16/07) →</p> <p>40 CFR 60 Subpart VV 60.482-8 (11/16/07), 60.485(a) &amp; (b) (5/16/24); and 60.486(a), (b), (c), (e) &amp; (l) (5/16/24)</p>	<p><u>Pumps and Valves in Heavy Liquid Service, Pressure Relief Devices in Light Liquid or Heavy Liquid Service, and Connectors</u></p> <p>If evidence of a potential leak is found by visual, audible, olfactory, or any other detection method, within 5 days, either monitor using EPA Method 21 or eliminate the visual, audible, olfactory, or other indication of potential leak.</p> <p>If an instrument reading of 10,000 ppm or greater is measured, a leak is detected, except for units with a leak definition of 2,000 ppm.</p> <p>When a leak is detected, it shall be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided under delay of repair in AOP Term 5.2.10. A first attempt at repair shall be made no later than 5 calendar days after each leak is detected.</p>	<p>Instrument monitor using EPA Method 21 as indicated. The instrument used to monitor leaks shall be calibrated before use each day of use. The following calibration gases shall be used: Zero air (less than 10 ppm of hydrocarbon in air); and a mixture of methane or n-hexane and air at a concentration of about, but not less than, 10,000 ppm methane or n-hexane.</p> <p>When a leak is detected, comply with AOP Term 5.2.14.</p> <p>Record in a log in a readily accessible location the information required in 60.486(e).</p> <p>Electronic records reported into EPA's CEDRI database may be maintained in electronic format.</p>

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.2.13 VOC	40 CFR 60 Subpart GGG 60.590-60.593 (6/2/08, 11/16/07) → 40 CFR 60 Subpart VV 60.482-9 (11/16/07); 60.486(a), (c) & (l) (5/16/24); and 60.487(a), (c), (g), (h) & (i) (5/16/24)	<p><u>Delay of Repair</u></p> <p>Delay of repair of equipment for which leaks have been detected will be allowed if repair within 15 days is technically infeasible without a process unit shutdown. Repair shall occur before the end of the next process unit shutdown. Monitoring to verify repair must occur within 15 days after startup of the process unit. Delay is also allowed for equipment isolated from the process and which does not remain in VOC service.</p> <p>Valves: Delay of repair will be allowed if (1) it is demonstrated that purged material resulting from immediate repair are greater than the fugitive emissions likely to result from delay of repair, and (2) when repair procedures are effected, the purged material is collected and destroyed or recovered in a control device. Delay of repair beyond a process unit shutdown will be allowed if valve assembly replacement is necessary during the process unit shutdown, valve assembly supplies have been depleted, and supplies had been sufficiently stocked before they were depleted. Delay of repair beyond the next process unit shutdown will not be allowed unless the next process unit shutdown occurs sooner than 6 months after the first process unit shutdown.</p> <p>Pumps: Delay of repair will be allowed if (1) repair requires the use of a dual mechanical seal system that includes a barrier fluid system, and (2) repair is completed as soon as practicable, but not later than 6 months after the leak was detected.</p> <p>A leaking valve or pump may be considered to be repaired and no longer subject to delay of repair requirements if two consecutive monthly instrument readings are below the leak definition.</p>	<p>When each leak is detected and a delay of repair is utilized, record in a log in a readily accessible location: "repair delayed" and the reason for the delay if a leak is not repaired within 15 calendar days after discovery, the signature of the person whose decision it was that repair could not be effected without a process shutdown, the expected date of successful repair of the leak if a leak is not repaired within 15 days, dates of process unit shutdowns that occur while the equipment is unrepaired, and date of successful repair of the leak.</p> <p>Submit a semiannual report as required in AOP Term 5.2.15.</p> <p>Electronic records reported into EPA's CEDRI database may be maintained in electronic format.</p>

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.2.14 VOC	40 CFR 60 Subpart GGG 60.590-60.593 (6/2/08, 11/16/07) → 40 CFR 60 Subpart VV 60.486(a), (b) & (c) & (l) (5/16/24)	<u>Maintain Records for Equipment Found Leaking</u> When each leak is detected, attach a weatherproof and readily visible identification, marked with the equipment identification number to the leaking equipment. The identification on a valve may be removed after it has been monitored for 2 successive months and no leak has been detected. Identification on equipment except valves may be removed after it has been repaired.	When each leak is detected, record in a log in a readily accessible location: the instrument and operator identification numbers and equipment identification number, date of leak detection and each attempt at repair, repair methods applied for each attempt, instrument leak reading, and date of successful repair of leak.  Electronic records reported into EPA's CEDRI database may be maintained in electronic format.
5.2.15 VOC	40 CFR 60 Subpart GGG 60.590-60.593 (6/2/08, 11/16/07) → 40 CFR 60 Subpart VV 60.487 (a), (c), (g), (h) & (i) (5/16/24)	<u>Semiannual Report</u> Submit semiannual reports to the NWCAA beginning 6 months after the initial startup date; after July 15, 2025, or once the report template for this subpart is available on the CEDRI website ( <a href="https://www.epa.gov/electronic-reporting-air-emissions/cedri">https://www.epa.gov/electronic-reporting-air-emissions/cedri</a> ) for 1 year, submit all subsequent reports using the appropriate electronic report template on the CEDRI website for this subpart.	The semiannual reports shall include the following information:  (1) Process unit identification.  (2) For each month during the semiannual reporting period, the facts that explain each delay of repair and, where appropriate, why a process unit shutdown was technically infeasible.  (3) Dates of process unit shutdowns which occurred within the semiannual reporting period.  (4) Revisions to items in the initial semiannual report if changes have occurred since the initial report or subsequent revisions to the initial report.

<b>SRU Auxiliary Boiler [40 CFR 63 General Provisions included in AOP Section 3 apply to this affected facility]</b>			
5.2.16 HAP	40 CFR 63 Subpart DDDDD 63.7500(a), (e), Table 3 Line 2, & (f); 63.7505(a); 63.7510(g); 63.7515(d) & (g); 63.7530(f); 63.7540(a) & (b); 63.7545(a) (b), & (e) (10/6/22); 63.7550(a), (b), Table 9, (c), & (h)(3) (11/20/15); 63.7555(a) (10/6/22)	<p><u>Boilers &amp; Process Heaters</u></p> <p>Conduct a tune-up of the boiler or process heater every 2 years. Tune-ups shall be conducted no more than 25 months after the previous tune-up.</p> <p>The inspection shall include: inspect the burner, clean and replace components as necessary; inspect the flame pattern, adjust as necessary; inspect air-to-fuel ratio system control, as applicable, to ensure it is correctly calibrated and functioning properly; optimize total emissions of CO; measure CO concentrations before and after adjustments are made; and maintain on-site an annual report including the items in 63.7540(a)(10)(vi).</p>	<p>Submit a compliance report every two calendar years. Reports are due, in accordance with AOP Term 4.1, 30 days after the close of the period that the reports cover. Submit copy of reports electronically to EPA via CEDRI using the appropriate electronic report for this subpart. (<a href="https://www.cdx.epa.gov">https://www.cdx.epa.gov</a>)</p> <p>The compliance report shall include, among other things (see 63.7550(c)), the date of the most recent tune-up and burner inspection; if applicable, a statement that no deviations occurred; and be certified by the Responsible Official.</p>

**Table 5-3 Gasoline Dispensing Facility**

<b>Permit Term</b>	<b>Regulatory Citation</b>	<b>Regulatory Description</b>	<b>Monitoring, Recordkeeping, and Reporting Requirements</b>
<b>Gasoline Dispensing Facility (GDF) [40 CFR 63 General Provisions included in AOP Section 3 apply to this affected facility]</b>			
5.3.1 VOC	NWCAA 580.6(E) (7/10/25) WAC 173-401-615(1)(b) & (c) (10/17/02)	<p><u>Vapor-Tight Tank</u></p> <p>All gasoline storage tanks at gasoline dispensing facilities shall be maintained in a vapor-tight condition and in good working order. This includes, but is not limited to, caps, adaptors, and drain valves.</p>	<p><i>Directly Enforceable:</i></p> <p>At each gasoline delivery, inspect to make sure fill and recovery caps are on, PV cap is not damaged, poppet is operating properly, dispensing hoses are not cracked or excessively worn, and no visual leaks are occurring.</p> <p>Record results of each inspection, date, person conducting inspection, and date and type of any corrective action taken in a checklist.</p>
5.3.2 VOC	WAC 173-491-040(1)(c) (1/23/98) WAC 173-401-615(1)(b) & (c) (10/17/02)	<p><u>Fixed-roof Gasoline Storage Tanks</u></p> <p>All openings not related to safety are to be sealed with suitable closures.</p>	

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.3.3 VOC	40 CFR 63 Subpart CCCCCC 63.11115 (1/24/11)	At all times, operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions.	Determination of whether such operation and maintenance procedures are being used will be based on information available to NWCAA which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.
5.3.4 VOC	40 CFR 63 Subpart CCCCCC 63.11116 (1/24/11)	<p><u>GDF with Monthly Throughput Less Than 10,000 Gallons of Gasoline</u></p> <p>Gasoline must not be handled in a manner that would result in vapor releases to the atmosphere for extended periods of time. Measures to be taken include, but are not limited to, the following:</p> <ol style="list-style-type: none"> <li>(1) Minimize gasoline spills;</li> <li>(2) Clean up spills as expeditiously as practicable;</li> <li>(3) Cover all open gasoline containers and all gasoline storage tank fill-pipes with a gasketed seal when not in use. Portable gasoline containers that meet the requirements of 40 CFR 59 Subpart F are considered acceptable; and</li> <li>(4) Minimize gasoline sent to open waste collection systems that collect and transport gasoline to reclamation and recycling devices, such as oil/water separators.</li> </ol>	Records must be available within 24 hours of a request by NWCAA to document gasoline throughput.

## SECTION 6 INAPPLICABLE REQUIREMENTS

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

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

Citation	Title or Applicability	Reason(s) for Inapplicability
40 CFR 60 Subpart Ja	Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007	Facility does not operate any of the affected sources that have been constructed, reconstructed, or modified after May 14, 2007.
40 CFR 60 Subpart K	Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978	Facility does not operate any of the affected sources. Spent acid does not qualify as a "petroleum liquid".
40 CFR 60 Subpart Ka	Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984	Facility does not operate any of the affected sources. Spent acid does not qualify as a "petroleum liquid".
40 CFR 60 Subpart Kb	Standards of Performance for Volatile Organic Liquid Storage Vessels for Which Construction, Reconstruction, or Modification Commenced After 7/23/84	Facility does not operate any of the affected sources.
40 CFR 60 Subpart Kc	Standards of Performance for Volatile Organic Liquid Storage Vessels (including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After October 4, 2023)	Facility does not operate any of the affected sources.
40 CFR 60 Subpart GG	Standards of Performance for Stationary Gas Turbines	Facility does not operate any of the affected sources.

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

