Air Operating Permit – FINAL
AOP #025R2

Matheson Tri-Gas, Inc.

Anacortes, WA

July 1, 2025

PERMIT INFORMATION

MATHESON TRI-GAS, INC.
8579 South Texas Road, Anacortes, WA 98221

SIC: 2813
NAICS: 325120
EPA AFS: 53-057-01992

NWCAA ID: 1992-V-S

Responsible Corporate Official

James Murphree
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Matheson Tri-Gas, Inc.
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Corporate Inspection Contact

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Northwest Clean Air Agency
1600 South Second Street
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(360) 428-1617

Prepared by
Robyn Jones
Environmental Engineer
(360) 428-1617

Air Operating Permit Number:	**Issuance Date:**
025R2	July 1, 2025
Permit Modifications	**Modification Date:**
Supersedes Permit Number:	**Expiration Date:**
025R1	July 1, 2030
Modification Application Date:	**Renewal Application Due:**
	July 1, 2029

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, Matheson Tri-Gas, Inc., is authorized to operate subject to the terms and conditions of this permit.

Northwest Clean Air Agency Approval:

for

Date: 7/1/25

Robyn Jones
Environmental Engineer

Date: 7/1/25

Agata McIntyre, P.E.
Engineering Manager

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SECTION 1 EMISSION UNIT DESCRIPTIONS

Table 1-1 lists emission units and activities included in this permit that are located at the Matheson Tri-Gas, Inc., SMR facility located at 8579 South Texas Road, Anacortes, Washington and hereinafter referred to as Matheson Tri-Gas, the facility, owner or operator, or the permittee. The information presented here in Section 1 is for informational purposes only.

Table 1-1

Emission Unit Type & Description	Construction Year	Comments/Notes
SMR Process Heater (aka furnace)	2013	Process feed stream consisting of desulfurized recycled hydrogen and natural gas, mixed with steam. SMR furnace fuel consists of supplemental natural gas along with off-gas recycled from Pressure Swing Absorption unit. No control device. OAC 1014b, 40 CFR 60 Subpart Ja, 40 CFR 63 Subpart DDDDD.
Flare	2013	Burns process gases routed to flare during SMR unit startups, shutdowns, maintenance events, and in the event of an emergency. OAC 1014b, 40 CFR 60 Subpart Ja.
Deaerator	2013	Removes dissolved gases in the boiler feed water. No control device. No applicable OACs, NSPSs, or NESHAPs
Cooling Tower	2013	Removes heat from non-process cooling water. No control device. Source of particulate emissions, based on total dissolved solids concentration in water and fraction of drift loss. No applicable OACs, NSPSs, or NESHAPs

SECTION 2 STANDARD TERMS AND CONDITIONS

Standard terms and conditions are administrative and/or other requirements that typically have no ongoing compliance monitoring requirements. The permittee must comply with the requirements listed below. Some requirements from the regulations have been paraphrased for brevity.

All terms and conditions of this permit are enforceable by the Environmental Protection Agency (EPA) Administrator and by citizens under the Federal Clean Air Act (FCAA), except for those terms and conditions designated in the permit as "State Only". In accordance with WAC 173-401-625(2), a requirement designated "State Only" is enforceable only by the state or the NWCAA, and not by EPA or through citizen suits. ""State only" WAC citations in effect as of October 18, 2023, are enforceable by the NWCAA because they are adopted by reference in NWCAA 104.1 as amended December 14, 2023.

The requirements 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. Unless the text of the term is specifically identified to be "Directly Enforceable", the language of the cited regulation takes precedence over a paraphrased requirement.

2.1 Compliance Requirements

2.1.1 Duty to Comply

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

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of RCW 70A.15 and, for federally enforceable provisions, a violation of the Federal Clean Air Act (FCAA). Such violations are grounds for enforcement action; for permit termination, revocation and re-issuance, or modification; or for denial of a permit renewal application.

2.1.1.2 *State Only: NWCAA 322.3 (11/17/2011)*

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

2.1.2 Civil and Criminal Penalties

2.1.2.1 *State Only: WAC 173-400-230(2) (3/20/1993), WAC 173-400-240 (3/22/1991), NWCAA Section 131 (3/14/2013), NWCAA Sections 132 (8/13/2015) & 133 (2/10/2022), 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 (2/10/2022)*

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) (11/4/1993)

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

2.1.4 Duty to Provide Information

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

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

2.1.5 Confidential Information

State Only: NWCAA Section 114 (11/8/2007)

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

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

2.1.6 **Inspection and Entry**

WAC 173-400-105(3) (9/20/1993) and WAC 173-401-630(2) (3/5/2016)
State Only: WAC 173-400-105(3) (11/25/2018) and NWCAA Sections 110 & 111 (1/8/1969)

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 (1/8/1969)

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) (11/25/2018)*

To demonstrate compliance, the required test must be conducted using approved EPA methods from 40 CFR Parts 51, 60, 61 and 63 (in effect on January 24, 2018) or procedures contained in

"*Source Test Manual – Procedures for Compliance Testing*," state of Washington, department of ecology, as of September 20, 2004, on file at ecology. All other language is the same as 2.1.8.1.

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

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

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

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

(iii) Results of required source tests must be submitted by e-mail at sourcetest@nwcleanairwa.gov within sixty days of completion of the test unless prior approval is granted by NWCAA.

2.1.9 **Testing and Sampling**

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

Any person operating or using any article, machine, equipment or other contrivance shall provide and maintain such sampling and testing facilities as specified in the Order of Approval to Construct or an Air Operating Permit.

2.1.9.2 *State Only: NWCAA 367 and Appendix A (7/14/2005)*

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

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

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

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

2.1.10 **Ambient Air and Continuous Emission Monitoring**

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

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

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

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

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

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

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

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

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

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

A Quality Assurance (QA) manual and station 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 ≤90% monthly data availability.

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

2.1.11 **Credible Evidence**

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

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

2.2 **Permit Terms**

2.2.1 **Permit Expiration and Renewal**

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

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

2.2.2 **Permit Actions**

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

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

2.2.3 **Emissions Trading**

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

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

2.2.4 **Emission Reduction Credits**

WAC 173-400-131 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) (11/4/1993)

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

2.2.6 **Permit Appeals**

WAC 173-401-620(2)(i) (11/4/1993), WAC 173-401-735 (5/3/1997)

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

2.2.7 **Permit Continuation**

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

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

2.2.8 **Reopening for Cause**

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

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

(i) Additional requirements become applicable to the source with a remaining permit term of three or more years. Such a reopening shall be completed not later than eighteen months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions have been extended pursuant to WAC 173-401-620(2)(j);

(ii) Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the EPA Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit;

(iii) The NWCAA or the EPA Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit; or

(iv) The NWCAA or the EPA Administrator determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

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

WAC 173-401-722 (10/17/2002), WAC 173-401-724 (3/5/2016)

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

2.2.10 **Permit Modifications**

WAC 173-401-720 (11/4/1993), WAC 173-401-725 (11/4/1993)

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

2.2.11 **Property Rights**

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

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

2.2.12 **Definitions**

NWCAA Section 200 (4/11/2019)
State Only: NWCAA Section 200 (2/10/2022)

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

2.2.13 **Compliance Schedule**

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

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

2.2.14 **Permit Fees**

2.2.14.1 *WAC 173-401-620(2)(f) (11/4/1993)*

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

2.2.14.2 *State Only: NWCAA 322.4 (11/17/2011)*

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

2.2.15 **Transfer or Permanent Shutdown**

2.2.15.1 *NWCAA 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 (2/10/2022)*

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 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 (3/22/1991)*

All emissions units are required to use RACT which may be determined for some sources or source categories to be more stringent than the applicable emission limitations of any chapter of Title 173 WAC. Where current controls are determined to be less than RACT, Ecology or the NWCAA shall, as provided in section 8, chapter 252, Laws of 1993, define RACT for each source or source category and issue a rule or regulatory order requiring the installation of RACT.

2.3.4.3 *State Only: WAC 173-400-040(1) (9/16/2018)*

All emissions units are required to use RACT which may be determined for some sources or source categories to be more stringent than the applicable emission limitations of any chapter of Title 173 WAC. Where current controls are determined to be less than RACT, the permitting authority shall, as provided in RCW 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 (11/1/2022)*

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

2.3.5 **Emergencies**

WAC 173-401-645 (11/4/1993)

An emergency, as defined in WAC 173-401-645(1), constitutes an affirmative defense to an action brought for noncompliance with a technology-based emission limitation if conditions of WAC 173-401-645 (3) and (4) are met. This provision is in addition to the affirmative defense for unavoidable excess emissions found in any applicable requirement.

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

2.4 **Recordkeeping and Reporting**

2.4.1 **Compliance Certification**

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

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

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

(ii) Compliance status;

(iii) Whether the compliance was continuous or intermittent;

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

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

U.S. EPA, Region 10	Northwest Clean Air Agency
Mail Stop: 20-C04	Preferred submittal method:
Attn: Clean Air Act Compliance Manager	by e-mail at facilityreports@nwcleanairwa.gov
1200 Sixth Avenue, Suite 155	Alternative submittal method:
Seattle, WA 98101	by mail to
	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 (11/12/1999)

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

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

(i) The nature of the enterprise;

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

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

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

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

2.4.4.2 *State Only: WAC 173-400-105(1) (11/25/2018)*

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

2.4.4.3 *State Only: NWCAA Section 150 (2/10/2022)*

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 CO2e or more per calendar year in total GHG emissions as calculated according to WAC 173-441-030(1)(b), and,

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

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

Once a reporter is subject to the requirements of this chapter, the person must continue for each year thereafter to comply with all requirements of this chapter, including the requirement to submit annual GHG reports, even if the reporter does not meet the applicability requirements in WAC 173-441-030(1) or (2) of this section in a future year, except as provided in WAC 173-441-030(6)(a)-(c). Reporters with a compliance obligation under Chapter 70A.65 RCW, as described in WAC 173-446, must continue to report for any year with a compliance obligation.

2.4.5.2 *State Only: WAC 173-441-050 (3/12/2022)*

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).

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

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

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

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

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

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 Report, Air Quality Program
Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

(ii) ghgreporting@ecy.wa.gov

2.4.6 **Reporting to Verify Emissions from Potential PSD Sources**

State Only: WAC 173-400-720(4)(b)(iii)(G) (12/19/2022)

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

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

2.4.7 **Reporting of Deviations from Permit Conditions**

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

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

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

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

2.4.8 **Report of Breakdown and Upset**

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

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

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

(ii) The person responsible shall, upon the request of the Control Officer, submit a full report within ten (10) days including the known causes, corrective measures taken, and preventive measures to be taken to minimize or eliminate a recurrence.

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

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

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

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

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

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

In addition to the reporting requirements of the 10/13/94 version of NWCAA 340, the permittee must also report to the NWCAA if the emission release to the air requires agency notification as specified in 40 CFR 302 (CERCLA) or 40 CFR 355 (SARA).

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

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

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

2.4.9 Report of Shutdown or Startup

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

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

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

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

2.4.9.2 *State Only: NWCAA 341 (7/14/2005)*

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

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

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

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

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

2.4.10 **Operation and Maintenance**

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

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

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

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

2.4.10.2 *State Only: NWCAA Section 342 (7/14/2005)*

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

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

2.5 **Excess Emissions**

2.5.1 **Excess Emission**

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

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

Excess emissions which represent a potential threat to human health or safety or which the owner or operator of the source believes to be unavoidable shall be reported to the NWCAA as soon as possible. Other excess emissions shall be reported within thirty days after the end of the

month during which the event occurred or as part of the routine emission monitoring reports. Upon request by Ecology or the NWCAA, the permittee shall submit a full written report including the known causes, the corrective actions taken, and the preventive measures to be taken to minimize or eliminate the chance of recurrence.

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

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

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

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

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

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

2.5.1.2 *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:

- Properly signed contemporaneous records or other relevant evidence documenting the owner or operator's actions in response to the excess emissions event;
- 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
- 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 (11/8/2007) and 341.4 (7/14/2005)

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

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

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

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

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

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

2.6 Duty to Supplement or Correct Information

WAC 173-401-500(6) (10/17/2002)

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

2.7 Prohibitions

2.7.1 Concealment and Masking

2.7.1.1 *WAC 173-400-040(7) (9/20/1993)*
State Only: WAC 173-400-040(8) (9/16/2018)

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

2.7.1.2 *State Only: NWCAA Section 540 (1/8/1969)*

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

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

2.7.2 Adjustment for Atmospheric Conditions

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

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

2.7.3 Outdoor Burning

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

No person shall conduct outdoor burning during an air pollution episode or a declared period of impaired air quality. Except as provided in WAC 173-425-055, the following materials shall not be burned in any open fire: 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 (9/11/2014)*

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

2.7.4 Asbestos

2.7.4.1 *State Only: NWCAA Section 570 (11/10/2022)*

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

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

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

2.7.5 Stratospheric Ozone and Climate Protection

2.7.5.1 *40 CFR 82 Subpart F (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 (2/14/1973)

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

2.7.7 Obstruction of Access

State Only: RCW 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) (11/25/2018)

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) (11/25/2018)

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

2.7.10 Prevention of Accidental Release

40 CFR 68 (12/3/2018)

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

2.7.11 Cutback Asphalt Paving

NWCAA 580.7 (4/14/1993)

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

2.7.12 Creditable Stack Height and Dispersion Techniques

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

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

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

2.8.1 Minor New Source Review (NSR)

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

A Notice of Construction 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 Section 300 (2/10/2022) and 303 (4/11/2019), and NWCAA 324.2 (9/11/2014)*

A Notice of Construction application must be filed by the owner or operator and an Order of Approval issued by the NWCAA prior to 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

NWCAA 304 (4/11/2019)

This section applies to nonroad engines, as defined in NWCAA 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 (3/14/2013)*

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

2.8.4 Requirements to Comply

NWCAA 300.13 (4/11/2019)
State Only: NWCAA 300.13 (2/10/2022)

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 (12/19/2022), -730 (7/1/2016), -740 (9/16/2018), -750 (12/29/2012)

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

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

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

State Only: NWCAA 300.25 (2/10/2022)

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.

2.1.1 Major Stationary Source and Major Modification in a Nonattainment Area

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

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

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

2.9 **Greenhouse Gas Regulation**

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

Greenhouse gases (GHGs), the air pollutant defined in 40 CFR 86.1818-12(a) as the aggregate group of six greenhouse gases: Carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, shall not be subject to regulation under this chapter unless, as of January 2, 2011, the GHG emissions are at a stationary source emitting or having the potential to emit 100,000 tpy CO_2 equivalent emissions and the source is otherwise required to have an operating permit.

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

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

SECTION 3 STANDARD TERMS AND CONDITIONS FOR NSPS AND NESHAP

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

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

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

All of the federal regulations listed in Section 3 in effect as of October 18, 2023, have been adopted by reference in Section 104.2 of the NWCAA Regulation. NWCAA 104.2 was last amended by the agency on December 14, 2023.

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 5/10/2023 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:

Northwest Clean Air Agency
Preferred submittal method:
by e-mail at facilityreports@nwcleanairwa.gov

Alternative submittal method:
by mail to
Air Operating Permits
1600 South 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) (as amended by Delegation Letter dated 5/10/2023 from Krishna Viswanathan, Director of the Office of Air and Radiation, EPA Region 10 to Mark Buford, Director of NWCAA)

Furnish written notification to the Administrator of the following:

(i) The date construction (or reconstruction as defined by 40 CFR 60.15) of an affected facility commenced postmarked no later than 30 days after such date.

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

(iii) Notification of any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies, unless that change is specifically exempted under an applicable subpart or in 40 CFR 60.14(e). This notice shall be postmarked 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capacity of the facility before and after the change, and the expected completion date of the change.

(iv) Notification of the date upon which demonstration of the continuous monitoring system performance commences in accordance with 40 CFR 60.13(c). Notification shall be postmarked not less than 30 days prior to such date.

(v) Notification of the anticipated date for conducting the opacity observations required by 40 CFR 60.11(e)(1) of this part. The notification shall be postmarked not less than 30 days prior to such date.

(vi) Notification that continuous opacity monitoring system data results will be used to determine compliance with the applicable opacity standard during a performance test required by 60.8 in lieu of Method 9 observation data as allowed by 40 CFR 60.11(e)(5) of this part. This notification shall be postmarked not less than 30 days prior to the date of the performance test.

3.1.3 Startup, Shutdown, and Malfunction Records

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

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

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

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

3.1.4 Excess Emission Records

3.1.4.1 *40 CFR 60.7(c) and (d) (2/12/1999) (as amended by Delegation Letter dated 5/10/2023 from Krishna Viswanathan, Director of the Office of Air and Radiation, EPA Region 10 to Mark Buford, Director of NWCAA)*

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

3.1.4.2 *Excess Emissions Reports 40 CFR 60 Subpart Ja Affected Sources 40 CFR 60.108a(d) (9/12/2012)*

The requirements for excess emission reporting for Subpart Ja affected sources are the same as noted in AOP Term 3.1.4.1**.** above with the following clarifications, exceptions, or differences:

Each owner or operator subject to this subpart shall submit an excess emissions report for all periods of excess emissions according to the requirements of 60.7(c) except that the report shall contain the following information:

(i) The date that the exceedance occurred;

(ii) An explanation of the exceedance;

(iii) Whether the exceedance was concurrent with a startup, shutdown, or malfunction of an affected facility or control system; and

(iv) A description of the action taken, if any.

(v) The information described in 60.108(c)(6) for all subject discharges.

(vi) For any periods for which monitoring data are not available, any changes made in operation of the emission control system during the period of data unavailability which could affect the ability of the system to meet the applicable emission limit. Operations of the control system and affected facility during periods of data unavailability are to be compared with operation of the control system and affected facility before and following the period of data unavailability.

(vii) A written statement, signed by a responsible official, certifying the accuracy and completeness of the information contained in the report.

3.1.5 Maintenance of Records

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

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

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

3.1.6 **Performance Tests**

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

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

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

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

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

(ii) Safe sampling platform(s).

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

(iv) Utilities for sampling and testing equipment.

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

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

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

(vi) Applicable regulation(s) requiring the test, the pollutant(s) and other parameters being measured, the applicable emission standard and any process parameter component, and a brief process description.

(vii) Description of the emission unit tested including fuel burned, control devices, and vent characteristics; the appropriate source classification code (SCC); the permitted maximum process rate (where applicable); and the sampling location.

(viii) Description of sampling and analysis procedures used and any modifications to standard procedures, quality assurance procedures and results, record of process operating conditions that demonstrate the applicable test conditions are met, and values for any operating parameters for which limits were being set during the test.

(ix) Where a test method requires you record or report, the following shall be included: Record of preparation of standards, record of calibrations, raw data sheets for field sampling, raw data sheets for field and laboratory analyses, chain-of-custody documentation, and example calculations for reported results.

(x) Identification of the company conducting the performance test including the primary office address, telephone number, and the contact for this test program including his/her email address.

3.1.7 Test Method Performance Audit

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

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

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

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

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

3.1.8 Compliance with Opacity Standards

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

Compliance with opacity standards in 40 CFR Part 60 shall be determined by EPA Method 9 in Appendix A. For purposes of determining inital compliance, the minimum total time of observations shall be 3 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**

40 CFR 60.13 (6/30/2016)

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

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

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

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

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

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

3.1.13 **Modification**

40 CFR 60.14 (10/17/2000)

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

affected facility for each pollutant to which a standard applies and for which there is an increase in the emission rate to the atmosphere.

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

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

3.2.1 Prohibited Activities and Circumvention

40 CFR 63.4 (4/5/2002)

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

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

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

(i) The use of diluents to achieve compliance with a relevant standard based on the concentration of a pollutant in the effluent discharged to the atmosphere;

(ii) The use of gaseous diluents to achieve compliance with a relevant standard for visible emissions.

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

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

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

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

After the effective date of any relevant standard promulgated by the Administrator under this part, no person may, without obtaining written approval in advance from the Administrator in accordance with the procedures in paragraphs (d) and (e) of this Part 63.5, do any of the following:

(i) Construct a new affected source that is major-emitting and subject to such standard;

(ii) Reconstruct an affected source that is major-emitting and subject to such standard; or

(iii) Reconstruct a major source such that the source becomes an affected source that is major-emitting and subject to the standard.

After the effective date of any relevant standard promulgated by the Administrator under this part, an owner or operator who constructs a new affected source that is not major-emitting or reconstructs an affected source that is not major-emitting that is subject to such standard, or reconstructs a source such that the source becomes an affected source subject to the standard, must notify the Administrator of the intended construction or reconstruction. The notification must be submitted in accordance with the applicable procedures in 63.9(b).

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

3.2.3 Operation and Maintenance

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

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

Malfunctions must be corrected as soon as practicable after their occurrence. To the extent that an unexpected event arises during a startup, shutdown, or malfunction, an owner or operator must comply by minimizing emissions during such a startup, shutdown, and malfunction event consistent with safety and good air pollution control practices.

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

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

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

3.2.4 Compliance With Nonopacity Emission Standards

3.2.4.1 *Nonopacity emission standards for Part 63 NESHAP Sources (except Subpart DDDDD) 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.

3.2.5 Compliance With Opacity and Visible Emission Standards

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

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

3.2.6 Extension of Compliance for Early Reductions and Other Reductions

40 CFR 63.6(i) (3/11/2021) and 63.9(c) (11/19/2020)

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

3.2.7 Notification of Performance Tests

3.2.7.1 *Notification of Performance Tests for Part 63 NESHAP Sources 40 CFR 63.7(b) (11/14/2018) and 63.9(e) (11/19/2020)*

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

3.2.7.2 *Notification of Performance Tests for 40 CFR 63 Subpart UUU (Refinery MACT II) Affected Sources 40 CFR 63.1574(a)(2) (11/26/2018)*

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

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

3.2.8 Conduct of Performance Tests

Conduct of Performance Tests for Part 63 NESHAP Sources (except Subpart DDDDD) 40 CFR 63.7 (11/14/2018), 63.9(e) (11/19/2020)

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

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

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

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

(ii) Safe sampling platform(s).

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

(iv) Utilities for sampling and testing equipment.

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

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

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

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

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

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

3.2.9 **Address for Reports, Notifications and Submittals**

40 CFR 63.9(a) (11/19/2020), 63.10(a), 63.12(c), 63.13 (11/19/2020), (as amended by Delegation Letter dated 5/10/2023 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:

Northwest Clean Air Agency
Preferred submittal method:
by e-mail at facilityreports@nwcleanairwa.gov

Alternative submittal method:
by mail to
Air Operating Permits
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:

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

3.2.10 **Notification**

3.2.10.1 *Notification Requirements for New or Reconstructed Part 63 NESHAP Sources 40 CFR 63.9(b)(4) (11/19/2020)*

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.

3.2.11 **Recordkeeping**

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

The owner or operator of an affected source shall maintain files of all information (including all reports and notifications) required by this part recorded in a form suitable and readily available for expeditious inspection and review. The files shall be retained for at least 5 years following

the date of each occurrence, measurement, maintenance, corrective action, report or record. At a minimum, the most recent 2 years of data shall be retained on site. The remaining 3 years of data may be retained off site. Such files may be maintained on microfilm, on a computer, on computer floppy disks, on magnetic tape disks, or on microfiche.

If an owner or operator determines that his or her stationary source that emits (or has the potential to emit, without considering controls) one or more hazardous air pollutants regulated by any standard established pursuant to section 112(d) or (f), and that stationary source is in the source category regulated by the relevant standard, but that source is not subject to the relevant standard (or other requirement established under this part) because of limitations on the source's potential to emit or an exclusion, the owner or operator must keep a record of the applicability determination on site at the source for a period of 5 years after the determination, or until the source changes its operations to become an affected source, whichever comes first. The record of the applicability determination must be signed by the person making the determination and include an analysis (or other information) that demonstrates why the owner or operator believes the source is unaffected (e.g., because the source is an area source). The analysis (or other information) must be sufficiently detailed to allow the Administrator to make a finding about the source's applicability status with regard to the relevant standard or other requirement. If relevant, the analysis must be performed in accordance with requirements established in relevant subparts of this part for this purpose for particular categories of stationary sources. If relevant, the analysis should be performed in accordance with EPA guidance materials published to assist sources in making applicability determinations under section 112, if any.

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

3.2.12.1 *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 source's startup, shutdown, and malfunction plan (see §63.6(e)(3)); or,

(v) Actions taken during periods of malfunction (including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation) when the actions taken are different from the procedures specified in the affected source's startup, shutdown, and malfunction plan (see §63.6(e)(3));

(vi) All information necessary, including actions taken, to demonstrate conformance with the affected source's startup, shutdown, and malfunction plan (see §63.6(e)(3)) when all actions taken during periods of startup or shutdown (and the startup or shutdown causes the source to exceed any applicable emission limitation in the relevant emission standards), and malfunction (including corrective actions to restore malfunctioning

process and air pollution control and monitoring equipment to its normal or usual manner of operation) are consistent with the procedures specified in such plan. (The information needed to demonstrate conformance with the startup, shutdown, and malfunction plan may be recorded using a "checklist," or some other effective form of recordkeeping, in order to minimize the recordkeeping burden for conforming events);

(vii) Each period during which a CMS is malfunctioning or inoperative (including out-of-control periods);

(viii) 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.

(ix) All results of performance tests, CMS performance evaluations, and opacity and visible emission observations;

(x) All measurements as may be necessary to determine the conditions of performance tests and performance evaluations;

(xi) All CMS calibration checks;

(xii) All adjustments and maintenance performed on CMS;

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

If actions taken by an owner or operator during a startup, shutdown (and the startup or shutdown causes the source to exceed any applicable emission limitation in the relevant emission standards), or malfunction of an affected source (including actions taken to correct a

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

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

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

The requirements for startup, shutdown and malfunction reports for Subpart DDDDD affected sources are the same as noted in AOP Term 3.2.12.1 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 polllution 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 descrition of actions taken by you during a malfunction of a boiler, process heater, or associated air pollution control device or CMS to minimize emissions in accordance with §63.7500(a)(3), including actions taken to correct the malfunction.

(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).

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

3.2.13.1 *NCS for Part 63 NESHAPs Sources (except Subpart DDDDD) 40 CFR 63.9(h) (11/19/2020)*

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.

3.2.13.2 *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 3.2.13.1with the following clarifications, exceptions, or differences:

The NCS shall be submitted by close of business on the 60th day after January 31, 2016 (i.e., March 31, 2016). It shall include a signed certification that all the work practice standards have been met. Also, it should include a description of the affected units including identification of which subcategories the unit is in, the design heat input capacity of the unit, a description of the

add-on controls used on the unit to comply with this subpart, description of the fuel(s) burned, and justification for the selection of fuel(s) burned during the compliance demonstration.

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

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

SECTION 4 GENERALLY APPLICABLE REQUIREMENTS

The 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 October 18, 2023 are enforceable by NWCAA because they are adopted by reference in NWCAA 104.1, as amended December 14, 2023. All of the federal regulations in effect as of October 18, 2023 listed in Section 4 have been adopted by reference in NWCAA 104.2, as amended December 14, 2023.

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

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

Table 4-1 Generally Applicable Requirements

Permit Term	Citation	Description	Monitoring, Recordkeeping, & Reporting
4.1 General	WAC 173-401-630(1) (3/5/2016) WAC 173-401-520 (11/4/1993) 40 CFR 60 Subpart A 60.19(c) (2/12/1999) 40 CFR 61 Subpart A 61.10(g) (3/16/1994) 40 CFR 63 Subpart A 63.10(a)(5) (11/19/2020)	Required Monitoring Reports Submit reports of any required monitoring to the NWCAA at least once every six months. All instances of deviations from permit requirements must be clearly identified in such reports.	*Directly Enforceable:* Monthly reports shall cover a calendar month, quarterly reports shall cover a calendar quarter, six-month reports shall cover January through June and July through December, and annual reports shall cover a calendar year. The reports shall be submitted within 30 days after the close of the period that the reports cover, except when the reporting deadline is specified in a permit term including, but not necessarily limited to; Term 2.1.8.3- Source testing Term 2.4.1.1- Annual AOP certification Term 2.4.4.3– Annual emissions inventory Term 2.4.5.2- Annual GHG emissions
4.2 General	NWCAA 342 (9/8/1993) (7/14/2005 State Only) WAC 173-401-615(1)(b) & (c) (10/17/2002)	Operation and Maintenance Sources are required to keep any process and/or air pollution control equipment in good operating condition and repair.	Operating instructions and maintenance schedules for process and/or control equipment must be available on site. *Directly Enforceable:* Monitor, keep records and report in accordance with the terms of this permit.

Permit Term	Citation	Description	Monitoring, Recordkeeping, & Reporting
4.3 Nuisance	NWCAA 530 (3/9/2000 State Only) WAC 173-401-615(1)(b) & (c) (10/17/2002)	General Nuisance No person shall discharge from any source quantities of air contaminants, with the exception of odors, in sufficient amounts and of such characteristics and duration as is likely to be injurious or cause damage to human health, plant or animal life, or property; or which unreasonably interferes with enjoyment of life and property. An air contaminant is defined as "dust, fumes, mist, smoke, other particulate matter, vapor gas, odorous substance, or any combination thereof.	*Directly Enforceable:* Upon receiving an air contaminant complaint from the NWCAA or the public, all possible sources of nuisance emissions at the facility shall be checked for proper operation. Problems identified shall be repaired or corrected as soon as practicable. If the problems identified cannot be repaired or corrected within four hours, action shall be taken to minimize emissions until repairs can be made and the NWCAA shall be notified within 12 hours with a description of the complaint and action being taken to resolve the problem. The results of the investigation, identification of any malfunctioning equipment or aberrant operation, and the date and time of repair or mitigation shall be recorded. A log of these records shall be maintained for inspection. Receipt of a nuisance complaint in itself shall not necessarily be a violation.
4.4 Nuisance	WAC 173-400-040(5) (3/22/1991) WAC 173-400-040(6) (9/16/2018 State Only) WAC 173-401-615(1)(b) & (c) (10/17/2002)	Emission Detrimental to Persons or Property No person shall cause or allow the emission of any air contaminant from any source if it is detrimental to the health, safety, or welfare of any person, or causes damage to property or business.	
4.5 Odor	NWCAA Section 535 (3/9/2000 State Only) WAC 173-401-615(1)(b) & (c) (10/17/2002)	Odor Control Measures Appropriate practices and control equipment shall be installed and operated to reduce odor-bearing gases emitted into the atmosphere to a reasonable minimum. Any person who shall cause the generation of any odor from any source which may reasonably interfere with any other property owner's use and enjoyment of their property must use recognized best practices and control equipment to reduce these odors to a reasonable minimum. No person shall cause or permit the emission of any odorous air contaminant from any source if it is detrimental to the health, safety, or welfare of any person, or causes damage to property or business.	

Permit Term	Citation	Description	Monitoring, Recordkeeping, & Reporting
4.6 Odor	WAC 173-400-040(5) (9/16/2018 State Only) WAC 173-401-615(1)(b) & (c) (10/17/2002)	Odors Source may not generate odors which may unreasonably interfere with property use and must use recognized good practice and procedures to reduce odors to reasonable minimum.	
4.7 PM	NWCAA 550 (4/14/1993) WAC 173-401-615(1)(b) & (c) (10/17/2002)	Preventing Particulate Matter from Becoming Airborne Best Available Control Technology (BACT) required to prevent the release of fugitive matter to the ambient air. Nuisance particulate fallout is prohibited.	*Directly Enforceable:* Follow MR&R under AOP Term 4.3.
4.8 PM	NWCAA 550 (9/11/2014 State Only) WAC 173-401-615(1)(b) & (c) (10/17/2002)	Preventing Particulate Matter from Becoming Airborne The owner or operator of a source or activity that generates fugitive dust, including, but not limited to, material handling, building construction or demolition, abrasive blasting, roadways and lots, shall employ reasonable precautions to prevent fugitive dust from becoming airborne and must maintain and operate the source or activity to minimize emissions. It shall be unlawful for any person to cause or allow the emission of particulate matter which becomes deposited upon the property of others in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property.	
4.9 PM	WAC 173-400-040(3) (9/16/2018 State Only) WAC 173-401-615(1)(b) & (c) (10/17/2002)	Fallout Source may not generate the emission of particulate matter to be deposited beyond the property line in sufficient quantity to interfere unreasonably with the use and enjoyment of the property upon which the material is deposited.	

Permit Term	Citation	Description	Monitoring, Recordkeeping, & Reporting
4.10 PM	WAC 173-400-040(3)(a) (3/22/1991) WAC 173-400-040(4)(a) (9/16/2018 State Only) WAC 173-401-615(1)(b) & (c) (10/17/2002)	Fugitive Emissions Take reasonable precautions to prevent the release of air contaminants from an emissions unit engaging in materials handling, construction, demolition, or other operation which is a source of fugitive emissions.	
4.11 PM	WAC 173-400-040(8)(a) (3/22/1991) WAC 173-400-040(9)(a) (9/16/2018 State Only) WAC 173-401-615(1)(b) & (c) (10/17/2002)	Fugitive Dust Reasonable precautions to prevent release of fugitive dust is required. Maintain and operate source to minimize emissions.	
4.12 VE	NWCAA 451.1 (10/13/1994) WAC 173-401-615(1)(b) & (c) (10/17/2002)	Emission of Air Contaminant - Visual Standard No person shall cause or permit the emission, for any period aggregating more than 3 minutes in any 1 hour, of an air contaminant from any source which, at the point at emission, or within a reasonable distance of the point of emission, exceeds 20% opacity (Ecology Method 9A) except: When there is valid data to show that the opacity is in excess of 20% as a result of the presence of condensed water droplets, and that the concentration of the particulate matter, as shown by a source test approved by the Control Officer, is less than 0.10 (0.23 g/m^3) grain/dscf.	*Directly Enforceable:* 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. • Complete action that returns visible emissions to a non-visible level. • Shutdown the unit until appropriate corrective action can be taken.
4.13 VE	NWCAA 451.1 (11/8/2007 State Only) WAC 173-401-615(1)(b) & (c) (10/17/2002)	Emission of Air Contaminant - Visual Standard No person shall cause or permit the emission, for any period aggregating more than 3 minutes in any 1 hour, of an air contaminant from any source which, at the point at emission, or within a reasonable distance of the point of emission, exceeds 20% opacity (Ecology Method 9A) except: When there is valid data to show that the opacity is in excess of 20% as a result of the presence of condensed water droplets, and that the concentration of the particulate matter, as shown by a source test approved by the Control Officer, is less than 0.10 (0.23 g/m^3) grain/dscf.	

Permit Term	Citation	Description	Monitoring, Recordkeeping, & Reporting
4.14 VE	WAC 173-400-040(1) (9/20/1993) WAC 173-400-040(2) (9/16/2018 State Only)	Visible Emissions No person shall cause or allow the emission for more than three minutes, in any one hour, of an air contaminant from any emissions unit which at the emission point, or within a reasonable distance of the emission point, exceeds twenty 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.	• 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. 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.
4.15 PM	NWCAA 455.1 (4/14/1993) (5/11/1995 State Only) NWCAA 455.11 (4/14/1993) (5/11/1995 State Only) WAC 173-401-630(1) (3/5/2016)	Emission of Particulate Matter No person shall cause or permit emission of particulate matter in excess of 0.10 grain/dry standard cubic foot (dscf) (0.23 g/m3) (combustion emissions shall be corrected to 7% O2) except: From all gaseous and distillate fuel burning equipment, emissions shall not exceed 0.05 grain/dscf (0.11 g/m3) corrected to 7% oxygen.	*Directly Enforceable:* Follow MR&R under AOP Term 4.12
4.16 PM	WAC 173-400-060 (11/25/2018) WAC 173-401-615(1)(b) & (c) (10/17/2002))	Emission Standards for General Process Units Particulate emissions greater than 0.1 grain/dscf prohibited.	

Permit Term	Citation	Description	Monitoring, Recordkeeping, & Reporting
4.17 PM	WAC 173-400-050(1) and (3) (9/16/2018) (12/19/2022 State Only) WAC 173-401-615(1)(b) & (c) (10/17/2002)	Emission Standards for Combustion and Incineration Units Particulate emissions from combustion units greater than 0.1 grains/dscf corrected to 7% oxygen are prohibited.	
4.18 SO_2	NWCAA Section 460 (4/14/1993) WAC 173-401-615(1)(b) & (c) (10/17/2002)	Weight/Heat Rate Standard – Emission of Sulfur Compounds Sulfur compound emissions, as SO_2, shall not exceed 1.5 lb/MMBtu of heat input per hour, calendar month average of hourly values for the facility.	*Directly Enforceable* Maintain copies of fuel specification sheets which list the sulfur content for all fuels burned onsite. Records shall be maintained for a period of no less than five years from the date of generation and shall be readily available for review by NWCAA.
4.19 SO_2	NWCAA Section 462 (10/13/1994) WAC 173-401-615(1)(b) & (c) (10/17/2002)	Emission of Sulfur Compounds Sulfur compounds emissions, calculated as SO_2, shall not exceed 1,000 ppmvd at 7% oxygen. This requirement is not violated if reasonable evidence is presented that concentrations will not exceed ambient standards and the permittee demonstrates that no practical method of reducing the concentration exists.	*Directly Enforceable* Maintain copies of fuel specification sheets which list the sulfur content for all fuels burned onsite. Records shall be maintained for a period of no less than five years from the date of generation and shall be readily available for review by NWCAA
4.20 SO_2	NWCAA Section 462 (3/13/1997 State Only) WAC 173-401-615(1)(b) & (c) (10/17/2002)	Emission of Sulfur Compounds Sulfur compounds emissions, calculated as SO_2, shall not exceed 1,000 ppmvd at 7% oxygen averaged for a 60 consecutive minute period. 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.	
4.21 SO_2	WAC 173-400-040(6) first paragraph only (3/22/1991) WAC 173-401-615(1)(b) & (c) (10/17/2002)	Sulfur Dioxide Sulfur dioxide emissions shall not exceed 1,000 ppmvd, corrected to 7% oxygen for combustion sources, based on the average of any 60 consecutive minute period.	

Permit Term	Citation	Description	Monitoring, Recordkeeping, & Reporting
4.22 VOC	NWCAA 580.24 (12/13/1989) (2/8/1996 State Only) WAC 173-401-630(1) (3/5/2016)	Process Turnarounds Process units shall be depressurized to less than five psig (gauge) before venting to the atmosphere. During depressurization, VOCs shall be routed through a closed vent system to a flare or other appropriate disposal device.	Keep records of each process unit turnaround listing the date the unit was shut down, the estimated vessel VOC concentration when the VOC was first emitted, and the estimated total quantity of VOC emitted. A specific record shall be kept for any turnaround during which a vessel containing VOC was vented to the atmosphere at a pressure at or above 5 psig. *Directly Enforceable* Report emissions from turnarounds in the annual emissions inventory pursuant to AOP Term 2.4.4.3.
4.23 VOC	NWCAA 580.25 (12/13/1989) (2/8/1996 State Only) WAC 173-401-615(1)(b) & (c) (10/17/2002)	Equipment for the reduction, collection or disposal of VOC shall be maintained and operated in a manner commensurate with accepted industrial practices.	*Directly Enforceable:* Maintain appropriate records.

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 October 18, 2023 are enforceable by NWCAA because they are adopted by reference in NWCAA 104.1, as amended December 14, 2023. All of the federal regulations in effect as of October 18, 2023 listed in Section 5 have been adopted by reference in NWCAA 104.2, as amended December 14, 2023.

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

The requirements in the MR&R column labeled "Directly Enforceable" are legally enforceable requirements added under the NWCAA's "gap-filling" authority of WAC 173-401-615(1)(b) & (c), 10/17/02. Other requirements not labeled "Directly Enforceable" are brief descriptions of the regulatory requirements for information purposes and are not enforceable. Unless the text of the MR&R column is specifically identified to be directly enforceable, the language of the cited regulation takes precedence over a paraphrased requirement.

The provisions of federally approved NWCAA 365, 366 and the "Guidelines for Industrial Monitoring Equipment and Data Handling" have been replaced in this section by NWCAA 367 and Appendix A – "Ambient Monitoring, Emission Testing, and Continuous Emission and Opacity Monitoring". NWCAA Section 367 and Appendix A were 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.

Table 5-1 Specifically Applicable Requirements

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.1	40 CFR 63 Subpart DDDDD: 63.7495(a), 63.7500(a) & (e), 63.7505(a), 63.7510(g), 63.7515(d), 63.7530(d), 63.7540(a)(12) & (b), 63.7545(a), 63.7550(a), (b), (c)(1), (c)(5)(i)-(iv), (xiv), & (xvii), (h)(3), 63.7555(a), Table 3 Line 1, Table 9 (11/20/2015) NWCAA 104.2 (12/14/2023)	SMR Tune-Up – with Continuous Oxygen Trim Conduct a tune-up of the SMR every five years. Tune-ups shall be conducted no more than 61 months after the previous tune-up. The inspection shall: 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 summarizing inspection.	Submit a compliance report every five calendar years. Reports are due, in accordance with AOP Term 4.1, 30 days after the close of the period that the reports cover. The compliance reports shall be submitted electronically via CEDRI (www.epa.gov/cdx) to EPA. Additionally, the compliance reports shall be submitted electronically to NWCAA at facilityreports@nwcleanairwa.gov. The compliance report shall include, among other things, the date of the most recent tune-up and burner inspection; if applicable, a statement that no deviations occurred; and be certified by the Responsible Official.
5.2	40 CFR 63 Subpart DDDDD: 63.7500(f), 63.7555(i) & (j) (11/20/2015)	Startup and Shutdown Standards apply at all times the affected unit is operating except during periods of startup and shutdown. During periods of startup and shutdown you must comply only with the work practice standard requirements.	Maintain records of the calendar date, time, occurrence and duration of each startup and shutdown. Maintain records of the type and amount of fuel used during each startup and shutdown.

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.3	40 CFR 63 Subpart DDDDD: 63.7560(a)-(c) (1/31/2013) NWCAA 104.2 (12/14/2023)	Recordkeeping You must keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record.	Records must be in a form suitable for expedient review. You must keep each record on site, or they must be accessible from on site (for example, through a computer network), for at least 2 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record. You can keep the records off site for the remaining 3 years.
5.4	40 CFR 60 Subpart Ja: 60.102a(g)(1) (07/13/2016), 60.107a(a)(3) (12/01/2015), 60.108a(c)(5) (09/12/2012) NWCAA 104.2 (12/14/2023)	SMR sulfur limit The owner or operator shall not burn in any fuel gas combustion device any fuel gas that contains H_2S in excess of 162 ppm_v determined hourly on a 3-hour rolling average basis and H_2S in excess of 60 ppm_v determined daily on a 365 successive calendar day rolling average basis.	Keep a record of the specific exemption, listed in 40 CFR 60.107a(a)(3), that is determined to apply for each fuel gas stream. No further action is required unless operating conditions change in such a way that affects the exempt fuel gas stream/system (e.g., the stream composition changes). If such a change occurs, follow the procedures in 40 CFR 60.107a(b)(3).

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.5	40 CFR 60 Subpart Ja: 60.102a(g)(2)(ii) (07/13/2016), 60.107a(i) (c)(1)-(5) (12/01/2015), 60.108a(d) (09/12/2012) NWCAA 104.2 (12/14/2023)	SMR NOx limit Comply with the following NOx limit: 60 ppmv (dry basis, corrected to 0% excess air) determined daily on a 30-day rolling average basis.	Install, operate, calibrate and maintain an instrument for continuously monitoring and recording the concentration (dry basis, 0% excess air) of NOx emissions into the atmosphere according to the requirements in 40 CFR 60.107a(c)(1) - (5), 40 CFR 60 Appendices B and F, and NWCAA Section 367 and Appendix A. The monitor must include an O_2 monitor for correcting the data for excess air. Submit a semiannual monitoring report for each CEMS that includes any excess emissions. All monitoring reports shall be submitted electronically to NWCAA at facilityreports@nwcleanairwa.gov. All RATA tests performed on the CEMS shall meet the applicable requirements of 40 CFR 60 Appendices B and F, and NWCAA Section 367 and Appendix A, and must also include the following: • Testing of the CEMS for both lb/hr accuracy and ppmvd accuracy • Operation of SMR process heater at 50% or greater of it's capacity NWCAA shall be notified at least 30 days before any RATA is performed on the CEMS. The notification shall be submitted electronically to NWCAA at sourcetest@nwcleanairwa.gov. The test notification shall include a test plan for the RATA. All RATA reports must be submitted within 60 days of RATA completion. RATA reports shall be submitted electronically to NWCAA at sourcetest@nwcleanairwa.gov. All RATA reports shall include the data required under 40 CFR 60 Appendices B and F, and NWCAA Section 367 and Appendix A, and shall also include the process and CEMS data for the RATA testing period

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.6	40 CFR 60 Subpart Ja: 60.103a(h) (09/12/2012), 60.107a(a)(3) (12/01/2015), 60.108a(c)(5) (09/12/2012) NWCAA 104.2 (12/14/2023)	H_2S limit for the flare: Do not burn in any affected flare any fuel gas that contains H2S in excess of 162 ppmv determined hourly on a 3-hour rolling average basis. The combustion in a flare of process upset gases or fuel gas that is released to the flare as a result of relief valve leakage or other emergency malfunctions is exempt from this limit.	Follow MR&R for AOP term 5.4.
5.7	40 CFR 60 Subpart Ja: 60.103a(a)-(b), 60.108a(c)(1) (09/12/2012) NWCAA 104.2 (12/14/2023)	Flare management plan Develop and implement a written flare management plan which includes a flare minimization assessment, an evaluation of the baseline flow to the flare, procedures to minimize or eliminate flaring during startup and shutdown, procedures to reduce flaring during fuel gas imbalance, and procedures to minimize outages of the flare gas recovery system. Revise the plan periodically to account for changes in flare operation. Develop and implement the flare management plan by no later than the date that the flare becomes an affected facility.	Submit flare management plan to the NWCAA and EPA by the compliance date. The plan needs to be resubmitted only when an alternative baseline flow rate is added, the existing baseline is revised, a flare gas recovery system is installed, or the flare designations are changed. Maintain a copy of the flare management plan on site.

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.8	40 CFR 60 Subpart Ja: 60.103a(c)(1), (d), and (e) (09/12/2012), 60.107a(e)(4) (12/01/2015), 60.108a(c)(6) (9/12/12) NWCAA 104.2 (12/14/2023)	Root Cause Analysis, Flare Conduct a root cause analysis and a corrective action analysis for any of the following flaring events: (i) greater than 500,000 scfd above baseline flaring in any 24-hour period (ii) for events resulting in greater than 500 lb SO_2 in any 24-hour period The analyses must be completed as soon as possible but no later than 45 days after the discharge. Implement the corrective action within 45 days of the discharge or as soon as practicable thereafter.	Use engineering calculations to calculate the SO_2 emissions in the event of a discharge that may trigger a root cause analysis. Maintain the records of qualifying discharges as listed in 60.108a(c)(6) as applicable.
5.9	40 CFR 60 Subpart Ja: 60.107a(e), (f)(1) (12/01/2015) NWCAA 104.2 (12/14/2023)	Flare flow monitoring Install and operate a continuous parameter monitoring system to measure and record the flow rate of gas discharged to the flare in accordance with manufacturer's specifications and 40 CFR 60.107a(f)(1).	If the flow monitor is not equipped with a redundant flow sensor, at least quarterly, perform a visual inspection of all components of the monitor for physical and operational integrity and all electrical connections for oxidation and galvanic corrosion. Recalibrate the flow monitor in accordance with the manufacturer's procedures and specifications biennially (every two years) or at the frequency specified by the manufacturer.

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.10	40 CFR 60 Subpart Ja: 60.103a(c)(2), (d), (e), (f), 60.108a(c)(6) (9/12/12) NWCAA 104.2 (12/14/2023)	Root Cause Analysis, SMR Conduct a root cause analysis and a corrective action analysis for each exceedance of an applicable short-term emissions limit in AOP term 5.4 if the SO_2 discharge to the atmosphere is 500 lb greater than the amount that would have been emitted if the emissions limits had been met during one or more consecutive periods of excess emissions or any 24-hour period, whichever is shorter. The analysis must be completed as soon as possible but no later than 45 days after the discharge. Implement the corrective action within 45 days of the discharge or as soon as practicable thereafter.	No later than 45 days following the discharge for which a root cause and corrective action analyses were required, record the corrective action(s) completed to date, and, for action(s) not already completed, a schedule for implementation, including proposed commencement and completion dates as specified in §60.108a(c)(6)(x).
5.11	OAC 1104b Conditions 1, 13(A) (6/4/2015)	Natural gas feed rate The natural gas feed rate to the plant must not exceed 135,475 standard cubic feet per hour, based on a 12-month rolling average.	Keep records of the natural gas feed rate in scf/hour to the entire plant as daily, monthly, and consecutive 12-month rolling averages. Make records readily available for review by the NWCAA.
5.12	OAC 1104b Conditions 2, 3, 13(B) and (C) (6/4/2015)	SMR Operation Heat input rate to the SMR Process Heater must not exceed 69.8 MMBtu/hour (HHV), based on a 12-month rolling average, and shall combust only pipeline grade natural gas and PSA off-gas.	The following parameters shall be recorded, and records shall be kept for a period of no less than five years: (i) Heat input in MMBtu/hour HHV to the SMR Process heater, as daily, monthly, and consecutive 12-month rolling averages. The facility may use a sound engineering calculation method to determine the heat input from the PSA off-gas. Percentage of natural gas and PSA off-gas relative to the total MMBtu HHV fuel heat input to the SRM heater, as daily and monthly averages. The facility may use 260.2 Btu/scf as the heat input from the PSA off-gas or use a sound engineering calculation method to determine a different heat input from the PSA off-gas.

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.13	OAC 1104b Condition 10 (6/4/2015)	Flare Pilot Flame The flare pilot fuel gas shall be limited to natural gas. The header sweep gas shall be limited to natural gas and nitrogen.	*Directly Enforceable* Operating a flare in the absence of a pilot flame shall be reported to the NWCAA as an upset within 12 hours of the event in accordance with NWCAA 340.
5.14	OAC 1104b Conditions 12, 13(E) and (F) (6/4/2015)	Flare flow monitor Monitor the gas flow to the flare using a monitor compensated for pressure and temperature. Use the flow monitor to determine the exit velocity of gases (in m/s) and volumetric flow (in standard ft^3/min).	Keep records of flare exit velocity in m/s as hourly averages and flare flow rate in scfm as hourly averages.
5.15	OAC 1104b Conditions 4 and 11 (6/4/2015)	Visible Emissions Visible emissions from the SMR Process Heater stack or the flare shall not exceed five percent (5%) opacity for more than three minutes in any consecutive sixty-minute period as determined by Washington State Department of Ecology Method 9A.	*Directly Enforceable* Comply with the MR&R of AOP term 4.12.

5.16	OAC 1104b Conditions 5, 6, 7, 8 and 13(D) (6/4/2015)	<u>NO_X Emissions</u> Except during startup and shutdown, NOx emissions from the SMR Process Heater stack shall not exceed 2.8 lb/hr based on a 24-hour rolling average. During startups and shutdowns, emissions of NOx from the SMR Process Heater shall not exceed 4.2 lb/hr, 8-hour rolling average. Startup of the SMR Process Heater is defined as the period beginning when natural gas is first sent to the reformers for ignition purposes and ending when hydrogen product is first sent to the customer, or 24 hours, whichever is less. Shutdown of the SMR Process Heater is defined as the period beginning when hydrogen product stops being supplied to the customer and ending when no natural gas is being consumed, or 12 hours, whichever is less.	Continuous compliance shall be determined by a continuous emission monitoring system (CEMS) for nitrogen oxides stack concentration and oxygen stack concentration. The CEMS shall be installed, calibrated, certified, maintained and operated in accordance with 40 CFR 60 Appendices B and F, and NWCAA Section 367 and Appendix A. During normal operation, the exhaust flow rate shall be determined using 40 CFR Part 60 Appendix A, Method 19, or an alternative method, with prior written approval from the NWCAA. The stack flow rate shall reflect the proportions of natural gas and PSA off-gas in the SMR Process Heater fuel as determined by continuous monitoring of natural gas and PSA off-gas feed to the main burners and pilots. If a startup or shutdown takes less than 8 hours, use NOx hourly mass emissions calculated during the normal operation of the SMR Process Heater immediately after startup or before shutdown, as applicable, to complete the 8 hour period needed to demonstrate compliance with the statup/shutdown NOx mass emission limit. Keep records of the Fd factors used and all associated calculations. All RATA tests performed on the CEMS shall meet the applicable requirements of 40 CFR 60 Appendices B and F, and NWCAA Section 367 and Appendix A, and must also include the following: • Testing of the CEMS for both lb/hr accuracy and ppmvd accuracy • Operation of SMR process heater at 50% or greater of it’s capacity NWCAA shall be notified at least 30 days before any RATA is performed on the CEMS. The notification shall be submitted electronically to NWCAA at <u>sourcetest@nwcleanairwa.gov</u>. The test notification shall include a test plan for the RATA.

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
			All RATA reports must be submitted within 60 days of RATA completion. RATA reports shall be submitted electronically to NWCAA at sourcetest@nwcleanairwa.gov. All RATA reports shall include the data required under 40 CFR 60 Appendices B and F, and NWCAA Section 367 and Appendix A, and shall also include the process and CEMS data for the RATA testing period.
5.17	OAC 1104b Condition 9 (6/4/2015)	CO Emissions Carbon Monoxide emissions from the SMR Process Heater stack shall not exceed 2.8 lb/hr based on a 1-hour average.	Compliance shall be determined by a source test on the SMR Process Heater conducted on or before 9/23/2015. Thereafter, compliance shall be demonstrated by conducting testing no later than sixty months after the most recent test. Unless approved in advance by the NWCAA, all testing shall be conducted while firing the heater at 90% or more of its maximum rated capacity and in accordance with NWCAA Section 367, NWCAA Appendix A, and 40 CFR 60 Appendix A, Methods 1, 2, 4 and 10. NWCAA shall be notified at least 30 days before any source test is performed on the SMR Process Heater. The notification shall be submitted electronically to NWCAA at sourcetest@nwcleanairwa.gov. The test notification shall include a test plan for the SMR Process Heater testing. Each test report must be submitted within 60 days of testing completion. Test reports shall be submitted electronically to NWCAA at sourcetest@nwcleanairwa.gov.

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.18	OAC 1104b Condition 16 (6/4/2015)	If the Matheson Tri-Gas SMR is permanently shutdown in less than 30 years, the amount of mitigated CO_2e for the remaining time period shall be credited to the Puget Sound Refinery for use in other projects solely within the refinery. The mitigation credits are valid for a 5-year period from the date of shutdown of the Matheson Tri-Gas SMR and cannot be sold or transferred to other facilities.	The amount of remaining mitigation credits shall be calculated as the years remaining divided by 30, multiplied by 198,158 metric tons CO_2e. The remaining potential to emit increase for any project within the refinery for which these credits can be used shall be calculated as the years remaining multiplied by 60,048 metric tons CO_2e.

SECTION 6 INAPPLICABLE REQUIREMENTS

The regulations identified in Table 6-1 do not apply to Matheson Tri-Gas as of the date of permit issuance. The basis for this determination is listed in Table 6-1.

Table 6-1 Inapplicable Requirements

Citation	Title	Basis
40 CFR 60 Subpart D	Standards of performance for Fossil-Fuel Steam Generators for which construction is commenced after August 17, 1971	Matheson Tri-Gas does not own or operate a source that belongs in this source category.
40 CFR 60 Subpart Da	Standards of performance for Fossil-Fuel Steam Generators for which construction is commenced after September 18, 1978	Matheson Tri-Gas does not own or operate a source that belongs in this source category.
40 CFR 60 Subpart Db	Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units	Matheson Tri-Gas does not own or operate a source that belongs to this source category. Combustion in the natural gas/PSA offgas burners associated with the SMR reactor has a maximum heat input capacity of 62.5 MMBtu/hr LHV, below the applicability threshold for NSPS Subpart Db.
40 CFR 60 Subpart Dc	Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units	Matheson Tri-Gas operates natural gas/PSA offgas burners associated with the SMR heater. These burners meet the definition of process heaters in 40 CFR 60 Subpart Dc, however steam production is incidental, and the SMR heater does not qualify as a steam generating unit under the definition of 40 CFR 60 Subpart Dc.
40 CFR 60 Subpart Kb	Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984	Matheson Tri-Gas does not have any storage tanks larger than 75 cubic meters that store petroleum liquids.

Citation	Title	Basis
40 CFR 60 Subpart GGG	Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and on or Before November 7, 2006	Matheson Tri-Gas operates feed compressors to compress the natural gas after adding hydrogen and before the mixture is sent to be desulfurized. These units are not in VOC service pursuant to the definition of equipment under 40 CFR 60 Subpart VV, and hence are not subject to 40 CFR 60 Subpart GGG.
NWCAA 320	Registration Program	Operating Permit sources are exempt from the requirement to register.
NWCAA 324.1	Annual Registration Fees	Operating Permit sources are exempt from the requirement to pay registration fees.
NWCAA 480	Solid Fuel Burning Device Standards	No sources affected by these rules are present at the Matheson Tri-Gas facility.
NWCAA 510	Incinerator Burning	No sources affected by these rules are present at the Matheson Tri-Gas facility.
NWCAA 511	Refuse Burning Equipment	No sources affected by these rules are present at the Matheson Tri-Gas facility.
NWCAA 560	Storage of Organic Liquid	The Matheson Tri-Gas facility does not contain tanks that store more than 6,000 gallons of organic liquids.