northwest Clean Air agency

Serving Island, San Juan, Skagit and Whatcom Counties

Air Operating Permit—Final 006R4M1

Puget Sound Energy
Ferndale Generating Station

Ferndale, Washington

September 30, 2026

PERMIT INFORMATION

Puget Sound Energy
Ferndale Generating Station
5105 Lake Terrell Road, Ferndale, WA 98248

SICE: 4931
NAICS: 221
EPA AFS: 53-073-0037

NWCAA ID: 1667-V-W

Responsible Corporate Official

Ryan Blood
Director, Customer and System Projects
Puget Sound Energy
PO Box 90868
Bellevue, WA 98009
(425) 457-4104

Corporate Inspection Contact

Terry Grumbles
Plant Manager
Puget Sound Energy
Ferndale Generating Station
5105 Lake Terrell Road
Ferndale, WA 98248
(360) 380-2119

Northwest Clean Air Agency

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

Prepared by

Pamela Crooks
Chemical Engineer, EIT
(360) 941-7052

Expires: August 4, 2027

Renewal Application Due: August 4, 2026

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, PSE Ferndale Generating Station is authorized to operate subject to the terms and conditions of this permit.

Northwest Clean Air Agency Approval:

Pamela Crooks

Date: 9/30/2026

Pamela Crooks
Chemical Engineer, EIT

Agata McIntyre

Date: 9/30/2026

Agata McIntyre, P.E.
Engineering Manager

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SECTION 1 EMISSION UNIT DESCRIPTIONS

The table below lists emission units and activities that are located at the PSE Ferndale Generating Station located at 5105 Lake Terrell Road, Ferndale, Washington, hereinafter referred to as PSE Ferndale, the facility, or the permittee. The information presented in AOP Table 1-1 is for informational purposes only.

Table 1-1 Emission Units at PSE Ferndale Generating Station

Emission Units	Description	Nominal Capacity Ratings		Control
		Natural Gas	No. 2 Diesel Oil	
Gas Turbine/Duct Burner/Heat Recovery Steam Generators (GT/HRSG): Gas Turbines GT-1A and GT-1B. Gas turbine GT-1A exhausts to heat recovery steam generator 1A (HRSG-1A) which exhausts to stack D-1. Gas turbine GT-1B exhausts to HRSG-1B, which exhausts to stack D-2.	GE Frame 7 EA combined cycle combustion gas turbines. Natural gas-fired duct burners in the Heat Recovery Steam Generators generate steam, along with the hot exhaust gas from the gas turbines, to provide additional steam for electric generation via a steam turbine. Water foggers provide water vapor to the inlet of each turbine to improve efficiency and increase power production rate.	270 MW combined, consisting of two 91 MW gas turbines and one 88 MW steam turbine generator. 10,116 Btu/kW-hr heat rate & 924 MMBtu/hr heat consumption per turbine (LHV, 100% load, 60°F and site elevation). Heat input to each duct burner is 250 MMBtu/hr.	270 MW combined, consisting of two 91 MW gas turbines and one 88 MW steam turbine generator. 10,145 Btu/KW-hr heat rate & 927 MMBtu/hr heat consumption per turbine (LHV, 100% load, 60°F and site elevation).	SO_2: fuel sulfur content NO_X: steam injection and selective catalytic reduction PM, PM_{10}, hydrocarbons, and CO: good combustion practices
One vertical fixed-roof storage tank	No. 2 diesel fuel for turbine backup fuel		2.1 million gallon capacity (7,949 cubic meters)	Good engineering practice to minimize fugitive VOC emissions
Fire pump engine	Emergency diesel-fired reciprocating internal combustion engine		182 BHP	Good operation and maintenance practices

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) (11/4/1993), a requirement designated "State Only" is enforceable only by the NWCAA, and not by EPA or through citizen suits. "State only" WAC citations are enforceable by the NWCAA because they are adopted by reference in NWCAA 104.1 as amended February 10, 2022.

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 must comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of RCW 70A.15 and, for federally enforceable provisions, a violation of the 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 cause or allow the operation of any source subject to the requirements of chapter 173-401 WAC without complying with the provisions of chapter 173-401 WAC and any permit issued under its authority.

2.1.2. Civil and Criminal Penalties

2.1.2.1. *State Only: WAC 173-400-230(2) (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, Ecology or the NWCAA may conduct or require that a test be conducted of the source using approved EPA methods from 40 CFR 60 Appendix A which are adopted by reference, or approved procedures contained in the "Source Test Manual – Procedures for Compliance Testing," state of Washington, Department of Ecology, as of July 12, 1990, on file at Ecology. The operator of a source may be required to provide the necessary platform and sampling ports for Ecology personnel or others to perform a test of an emissions unit. Ecology shall be allowed to obtain a sample from any emissions unit. The operator of the source shall be given an opportunity to observe the sampling and to obtain a sample at the same time.

2.1.8.2. *State Only: WAC 173-400-105(4) (11/25/2018)*

To demonstrate compliance, the required test must be conducted using approved EPA methods from 40 CFR Parts 51, 60, 61 and 63 (in effect on January 24, 2018) or procedures contained in "*Source Test Manual – Procedures for Compliance Testing*," state of Washington, department of ecology, as of September 20, 2004, on file at ecology. All other language is the same as 2.1.8.1.

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

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

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

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

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

2.1.9. **Testing and Sampling**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Auditing of opacity monitors shall be conducted according to recommended procedures. Data accuracy assessments shall be conducted at least once every calendar quarter for gaseous monitors and at appropriate periodic intervals. Relative Accuracy Test Audits (RATAs), Relative

Accuracy Audits (RAAs) and Cylinder Gas Audits (CGAs) shall be employed as described in 40 CFR Part 60 (or 40 CFR Part 75 if the facility is subject to acid rain regulations).

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

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

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

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

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

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

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

(v) Supplemental report for system with ≤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) and 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 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions have been extended pursuant to WAC 173-401-620(2)(j),

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

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

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

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

WAC 173-401-722 (10/17/2002) and 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 and WAC 173-401-725 (11/4/1993)

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

2.2.11. **Property Rights**

WAC 173-401-620(2)(d) (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) and WAC 173-401-510(2)(h)(iii) (3/5/2016)

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

2.2.14. **Permit Fees**

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

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

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

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

2.2.15. **Transfer or Permanent Shutdown**

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

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

2.2.15.2. *State Only: NWCAA Section 325 (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 RCW 70A.15.2330.

2.3.4. **Reasonably Available Control Technology**

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

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

2.3.4.2. *WAC 173-400-040 (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 (10/8/2015)*

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

2.3.5. **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, and,

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

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

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

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

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

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

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

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

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

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

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

required by the permit revealed no violations during the period, and there were no observed, documented or known instances of noncompliance during the reporting period.

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

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

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

(i) The nature of the enterprise,

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

(iii) An estimated annual total production of wastes discharged into the air in units and contaminants designated by the NWCAA that may include stack and fugitive emissions of

particulate matter, PM_{10}, sulfur dioxide, carbon monoxide, total reduced sulfur compounds (TRS), fluorides, lead, VOCs, and other contaminants.

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

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

2.4.4.3. *State Only: NWCAA Section 150 (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).

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).

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

Each such submission shall be signed by a representative designated in accordance with WAC 173-441-060 and 40 CFR 3.10 as adopted on October 13, 2005 and shall include the following certification statement signed by the designated representative or any alternate designated representative:

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

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

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

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

(i) Greenhouse Gas Reporting, Air Quality Program
Department of Ecology

P.O. Box 47600
Olympia, WA 98504-7600

(ii) ghgreporting@ecy.wa.gov

2.4.6. Reporting to Verify Emissions from Potential PSD Sources

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

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

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

2.4.7. Reporting of Deviations from Permit Conditions

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

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

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

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

2.4.8. Report of Breakdown and Upset

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

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

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

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

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

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

2.4.8.2. *State Only: NWCAA 340.1, 340.2 and 340.3 (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 established by this Regulation or an emission release to the air that requires NWCAA notification as specified in 40 CFR 302 (CERCLA) or 40 CFR 355 (SARA), the owner or operator of the source shall take the following actions:

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

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

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

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

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

2.4.9. **Report of Shutdown or Startup**

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

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

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

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

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

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

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

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

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

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

2.4.10. **Operation and Maintenance**

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

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

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

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

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

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

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

2.5. **Excess Emissions**

2.5.1. **Excess Emissions**

WAC 173-400-107 (9/20/1993) (State Only – 9/16/2018)

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

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

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

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

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

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

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

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

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

State Only: NWCAA 340.4 (11/8/2007) and 341.4 (7/14/2005)

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

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

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

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

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

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

2.6. **Duty to Supplement or Correct Information**

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

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

2.7. **Prohibitions**

2.7.1. **Concealment and Masking**

2.7.1.1. *WAC 173-400-040(7) (3/22/1991)*
State Only: WAC 173-400-040(8) (9/16/2018)

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

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

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

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

2.7.2. **Adjustment for Atmospheric Conditions**

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

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

2.7.3. **Outdoor Burning**

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

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

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

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

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

2.7.5. **Stratospheric Ozone and Climate Protection**

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

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

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

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

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

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

State Only: NWCAA Section 124 (2/14/1973)

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

2.7.7. **Obstruction of Access**

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

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

2.7.8. **False Statement, Representation or Certification**

State Only: WAC 173-400-105(6) (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)

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

2.7.11. **Cutback Asphalt Paving**

NWCAA 580.7 (4/14/1993)

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

2.7.12. **Creditable Stack Height and Dispersion Techniques**

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

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

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

2.8.1. **Minor New Source Review (NSR)**

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

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

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

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

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

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

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

2.8.3. **General Order**

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, -720, -730 (7/1/2016), -740 (9/16/2018), -750 (12/29/2012)

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

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

2.8.6. **Replacement or Substantial Alteration of Control Technology at an**

Existing Source

State Only: NWCAA 300.25 (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.

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

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

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

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

2.9. Greenhouse Gas Regulation

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

Greenhouse gases (GHGs), the air pollutant defined in 40 CFR 86.1818-12(a) as the aggregate group of six greenhouse gases: Carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, shall not be subject to regulation under this chapter unless, as of January 2, 2011, the GHG emissions are at a stationary source emitting or having the potential to emit 100,000 tpy 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 have been adopted by reference in Section 104.2 of the NWCAA Regulation. NWCAA 104.2 was last amended by the agency on February 10, 2022.

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 11/2/2021 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
1600 S. Second Street
Mount Vernon, WA 98273-5202

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

U.S. EPA Region 10
Director, Air and Waste Management Division
1200 Sixth Avenue (OAQ-107)
Seattle, WA 98101

3.1.2. **Notification**

40 CFR 60.7(a) (2/12/1999) (as amended by Delegation Letter dated 11/2/2021 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 11/2/2021 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).

3.1.5. **Maintenance of Records**

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

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

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

3.1.6. **Performance Tests**

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

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

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

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

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

(ii) Safe sampling platform(s).

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

(iv) Utilities for sampling and testing equipment.

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

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

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

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

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

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

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

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

3.1.7. **Test Method Performance Audit**

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

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

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

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

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

3.1.8. **Compliance with Opacity Standards**

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

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

observations shall be three hours (30 six-minute averages) for the performance test. The opacity standards set forth in this part shall apply at all times except during periods of startup, shutdown, malfunction, and as otherwise provided in the applicable standard.

3.1.9. **Operation and Maintenance**

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

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

3.1.10. **Credible Evidence**

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

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

3.1.11. **Circumvention**

40 CFR 60.12 (3/8/1974)

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

3.1.12. **Monitoring Requirements**

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 one-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 NESHAP 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. 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 11/16/2021 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
1600 South Second Street
Mount Vernon, WA 98273-5202

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

U.S. EPA Region 10
Director, Office of Air Quality
1200 Sixth Avenue (OAQ-107)
Seattle, WA 98101-3140

All information required to be submitted to the EPA under this part also shall be submitted to the appropriate state agency of any state to which authority has been delegated under section

112(l) of the Act, provided that each specific delegation may exempt sources from a certain federal or state reporting requirement. 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.

3.2.4. **Notification**

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

3.2.4.2. *Notification Requirements for Existing Part 63 NESHAP Sources Except 40 CFR Part 63 Subpart CC (Refinery MACT) Affected Sources 40 CFR 63.9(b)(2) and (j) (11/19/2020)*

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

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

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

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

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

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

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

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

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

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

(ix) Date of effectiveness of the reclassification.

3.2.5. **Recordkeeping**

3.2.5.1. *Recordkeeping for Part 63 NESHAP Sources (except for Subparts CC & UUU, and for Subpart DDDDD where 63.10(b)(3) does not apply) 40 CFR 63.10(b)(1) and (3) (11/19/2020)*

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

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

3.2.6. **General Compliance Requirements for 40 CFR 63 Subpart ZZZZ**

40 CFR 63.6605 (1/30/2013)

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

At all times, operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require any further efforts to reduce emissions if levels required by this standard have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available which may include, but is not limited to, monitoring

results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

SECTION 4 GENERALLY APPLICABLE REQUIREMENTS

The cited requirements in the "Citation" column and incorporated herein by reference are applicable plant-wide at the source, including insignificant emission units. These requirements are federally enforceable unless identified as "State Only". A requirement designated "State Only" is enforceable only by the NWCAA, and not by the EPA or through citizen suits. "State Only" WAC citations are enforceable by NWCAA because they are adopted by reference in NWCAA 104.1, as amended February 10, 2022. All of the federal regulations listed in Section 4 have been adopted by reference in NWCAA 104.2, as amended February 10, 2022.

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) WAC 173-401-615(1)(b) & (c), (10/17/2002)	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 Term 2.10.1– GHG Clean Air Rule All required reports must be certified by a responsible official consistent with WAC 173-401-520. If the report submittal deadline falls on a weekend, then the deadline to submit shall be the next business day.
4.2 General	NWCAA Section 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 Section 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:* A written air contaminant complaint response plan will be maintained at the facility. Upon receiving an air contaminant complaint from the NWCAA or the public, all possible sources of the nuisance emissions at the facility shall be checked for proper operation. Problems identified shall be repaired or corrected as soon as practicable. If the problems identified cannot be repaired or corrected within four hours, action shall be taken to minimize emissions until repairs can be made and the NWCAA shall be notified within 12 hours with a description of the complaint and action being taken to resolve the problem. The results of the investigation, identification of any malfunctioning equipment or aberrant operation, and the date and time of repair or mitigation shall be recorded. A log of these records shall be maintained for inspection. Receipt of a nuisance complaint in itself shall not necessarily be a violation.
4.4 Nuisance	WAC 173-400-040(5) (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.	*Directly Enforceable:* Follow MR&R under AOP Term 4.3.
4.7 PM	NWCAA Section 550 (4/14/1993) WAC 173-401-615(1)(b) & (c) (10/17/2002)	Preventing Particulate Matter from Becoming Airborne Best Available Control Technology (BACT) is required to prevent the release of fugitive matter to the ambient air. Nuisance particulate fallout is prohibited.	
4.8 PM	NWCAA Section 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.	*Directly Enforceable:* Follow MR&R under AOP Term 4.3.
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 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 three minutes in any one hour, of an air contaminant from any source which, at the point at emission, or within a reasonable distance of the point of emission, exceeds 20% opacity except: When there is valid data to show that the opacity is in excess of 20% as a result of the presence of condensed water droplets, and that the concentration of the particulate matter, as shown by a source test approved by the Control Officer, is less than 0.10 (0.23 g/m^3) grain/dscf.	*Directly Enforceable:* At least once during each calendar month that a combustion turbine operates or a combustion unit operates on fuel oil, conduct visual observations on each stack while operating to qualitatively determine whether there are visible emissions. For the turbines, conduct a

Permit Term	Citation	Description	Monitoring, Recordkeeping, & Reporting
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 three minutes in any one hour, of an air contaminant from any source which, at the point at emission, or within a reasonable distance of the point of emission, exceeds 20% opacity except: When there is valid data to show that the opacity is in excess of 20% as a result of the presence of condensed water droplets, and that the concentration of the particulate matter, as shown by a source test approved by the Control Officer, is less than 0.10 (0.23 g/m^3) grain/dscf.	visual observation for each fuel fired during the calendar month. If, at any time, visible emissions (VE) are observed, take at least one of the following actions within 24 hours of observation: • Take corrective action that returns opacity to non-visible level as soon as practicable, • A certified VE reader shall determine the opacity according to EPA Method 9* and daily thereafter until opacity is shown to be less than applicable limits. If EPA Method 9 shows emissions in excess of an applicable standard, determine opacity according to Ecology Method 9A**, or • Shut the unit down until corrective actions can be taken. If a certified VE reader is not available to read opacity within 24 hours of observed emissions, it shall be assumed that the VE exceeds all applicable opacity standards. Report an exceedance of the standard according to AOP Term 2.4.7. Record each visual observation performed, date and time of observation, background conditions, name of observer, and fuel burned. For stacks with VE, record any related equipment or operational failure, failure dates and times, duration of VE, and actions taken. Keep records of all observations available at the facility for inspection. Compliance with the MR&R of this permit term does not relieve the owner or operator of the source from the responsibility to maintain continuous compliance with all applicable opacity standards nor from the resulting liabilities for failure to comply. * 40 CFR 60 Appendix A Method 9 – Visual determination of the opacity of emissions from stationary sources ** Washington Department of Ecology Source Test Method 9A – Visual determination of opacity for a three-minute standard (revised July 12, 1990)
4.14 VE	WAC 173-400-040(1) (3/22/1991) WAC 173-400-040(2) (9/16/2018 State Only) WAC 173-401-615(1)(b) & (c) (10/17/2002)	Visible Emissions No person shall cause or allow the emission for more than three minutes, in any one hour, of an air contaminant from any emissions unit which at the emission point, or within a reasonable distance of the emission point, exceeds 20% opacity (Ecology Method 9A) except: When the owner or operator of a source supplies valid data to show that the presence of uncombined water is the only reason for the opacity to exceed twenty percent.	

Permit Term	Citation	Description	Monitoring, Recordkeeping, & Reporting
4.15 PM	NWCAA 455.1 (4/14/1993) (5/11/1995 State Only) WAC 173-401-630(1) (3/5/2016)	<u>Emission of Particulate Matter</u> No person shall cause or permit emission of particulate matter in excess of 0.10 grain/dry standard cubic foot (dscf) (0.23 g/m3) (combustion emissions shall be corrected to 7% O2) except: 455.11 From all gaseous and distillate fuel burning equipment, emissions shall not exceed 0.05 grain/dscf (0.11 g/m3) corrected to 7% oxygen. 455.12 From existing sources utilizing combustion of wood for the production of steam, no person shall allow or permit emission of particulate matter in excess of 0.20 grain/dscf (0.46 g/m3) corrected to 7% oxygen, as measured by procedures specified by the Control Officer. 455.13 From all existing petroleum catalytic cracking units emissions shall not exceed 0.20 grain/dscf (0.46 g/m3) of exhaust gas as corrected to 7% oxygen. 455.14 Wood waste burners shall meet the provisions of Section 458.2.	*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)	<u>Emission Standards for General Process Units</u> 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) WAC 173-401-615(1)(b) & (c) (10/17/2002)	Emission Standards for Combustion and Incineration Units Particulate emissions from combustion units greater than 0.1 grains/dscf corrected to 7% oxygen prohibited. The permitting authority may determine that an alternate oxygen correction factor is more representative of normal operations such as the correction factor included in an applicable NSPS or NESHAP, actual operating characteristics, or the manufacturer's specifications for the emission unit. OR FOR WOOD-BURNING STEAM GENERATION UNITS Particulate emissions from combustion units greater than 0.2 grains/dscf corrected to 7% oxygen prohibited. The permitting authority may determine that an alternate oxygen correction factor is more representative of normal operations such as the correction factor included in an applicable NSPS or NESHAP, actual operating characteristics, or the manufacturer's specifications for the emission unit.	*Directly Enforceable:* Follow MR&R under AOP Term 4.12.
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 records of type, quantity, and sulfur content of all fuel combusted. Records shall be made available for inspection upon request.

Permit Term	Citation	Description	Monitoring, Recordkeeping, & Reporting
4.19 SO_2	NWCAA Section 462 (10/13/1994) WAC 173-401-615(1)(b) & (c) (10/17/2002)	<u>Emission of Sulfur Compounds</u> Sulfur compounds emissions, calculated as SO_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 records of type, quantity, and sulfur content of all fuel combusted. Records shall be made available for inspection upon request.
4.20 SO_2	NWCAA Section 462 (3/13/1997 State Only) WAC 173-401-615(1)(b) & (c) (10/17/2002)	<u>Emission of Sulfur Compounds</u> 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)	<u>Sulfur Dioxide</u> SO_2 emissions shall not exceed 1,000 ppmvd, corrected to 7% oxygen for combustion sources, based on the average of any 60 consecutive minute period.	

Permit Term	Citation	Description	Monitoring, Recordkeeping, & Reporting
4.22 SO_2	NWCAA 520.1, 520.11, 520.12, 520.13, and 520.15 (4/14/1993) WAC 173-401-615(1)(b) & (c) (10/17/2002)	Sulfur Compounds in Fuel Prohibited to burn, sell, or make available for sale for burning in fuel burning equipment within the jurisdiction of the NWCAA, fuel containing sulfur in excess of the following for a time period not to exceed 30 days in a 12-month period: • #1 distillate – 0.3 wt% • #2 distillate – 0.5 wt% • other fuel oils – 2.0 wt% • solid fuels – 2.0 wt%	*Directly Enforceable:* Maintain records of type, quantity, and sulfur content of all fuel combusted. Records shall be made available for inspection upon request.
4.23 SO_2	NWCAA 520.1, 520.11, 520.12, 520.13, 520.15, 520.2 (5/9/1996 State Only) WAC 173-401-615(1)(b) & (c) (10/17/2002)	Sulfur Compounds in Fuel Prohibited to burn, sell, or make available for sale for burning in fuel burning equipment within the jurisdiction of the NWCAA, fuel containing sulfur in excess of the following for a time period not to exceed 30 days in a 12-month period: • #1 distillate – 0.3 wt% • #2 distillate – 0.5 wt% • other fuel oils – 2.0 wt% • solid fuels – 2.0 wt% Ocean-going vessels are exempt.	
4.24 HAP	40 CFR 63 Subpart ZZZZ 63.6605(a) (1/30/13)	RICE MACT Emission limits and operating limits apply to affected sources at all times.	The responsible official shall certify compliance with these terms under AOP Term 2.4.1.
4.25 HAP	40 CFR 63 Subpart ZZZZ 63.6605(b) (1/30/13)	RICE MACT - General Duty to Minimize Emissions At all times, operate and maintain the affected source, including associated air pollution control equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions.	

SECTION 5 SPECIFICALLY APPLICABLE REQUIREMENTS

The cited requirements in the "Citation" column and incorporated herein by reference are applicable to emission units specified in the header of the table. These requirements are federally enforceable unless identified as "State Only". A requirement designated "State Only" is enforceable only by the state or the NWCAA, and not by the EPA or through citizen suits. "State Only" WAC citations are enforceable by NWCAA because they are adopted by reference in NWCAA 104.1, as amended February 10, 2022. All of the federal regulations listed in Section 5 have been adopted by reference in NWCAA 104.2, as amended February 10, 2022.

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

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

The provisions of federally approved NWCAA Sections 365, 366 and the "Guidelines for Industrial Monitoring Equipment and Data Handling" have been replaced in this section by NWCAA Section 367 and Appendix A – "Ambient Monitoring, Emission Testing, and Continuous Emission and Opacity Monitoring". NWCAA Section 367 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 – Combustion Turbines and Duct Burners 1A & 1B

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.1.1 O&M	OAC 330g Condition 7 (6/6/22) WAC 173-401-615(1)(b) & (c) (10/17/2002)	An air compliance operation and maintenance (O&M) manual that identifies acceptable operation and maintenance procedures that will ensure compliance with applicable air pollution rules and regulations shall be submitted to and approved by NWCAA prior to start-up. Failure to follow the procedures outlined shall be considered proof that the equipment was not properly maintained and operated.	*Directly Enforceable:* Keep air compliance O&M manuals readily available for use by operations personnel.
5.1.2 General	PSD 91-04 Amendment 1 Condition 12 (1/19/00) WAC 173-401-615(1)(b) & (c) (10/17/2002)	Operation of the equipment must be conducted in compliance with all data and specifications submitted as part of the PSD application unless otherwise approved by Ecology.	*Directly Enforceable:* Operate and maintain equipment in accordance with O&M manuals.
5.1.3 General	PSD 91-04 Amendment 1 Condition 14 (1/19/00) WAC 173-401-615(1)(b) & (c) (10/17/2002)	Activity inconsistent with the application and the PSD determination is subject to enforcement. Nothing in the PSD determination shall be construed so as to relieve the facility of its obligations under any state, local, or federal laws or regulations.	
5.1.4 General	PSD 91-04 Amendment 1 Condition 16 (1/19/00)	Access to the facility by the U.S. Environmental Protection Agency (EPA), department, state or local regulatory personnel shall be permitted upon request for the purpose of compliance assurance inspections. Failure to allow access is grounds for enforcement under federal and state law.	Provide access to the source by the EPA, Ecology, or NWCAA upon request for the purpose of compliance assurance inspections.

Table 5-1 Specifically Applicable Requirements – Combustion Turbines and Duct Burners 1A & 1B

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.1.5 General	OAC 330g Conditions 8 and 9 (6/6/22) WAC 173-401-630(1), (3/5/2016)	Foggers shall not be used when ambient temperatures are below 50 °F or when burning distillate fuel oil. PSE Ferndale shall maintain records of hourly time periods when foggers are used. Records of fogger use shall be available on-site for inspection by the NWCAA.	Maintain records of hourly time periods when the foggers are in use. *Directly Enforceable:* Maintain records of the ambient temperature during time periods when foggers are in use.

Table 5-1 Specifically Applicable Requirements – Combustion Turbines and Duct Burners 1A & 1B

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.1.6 Turbine SO_2	OAC 330g Condition 1 (6/6/22) PSD 91-04 Amendment 1 Condition 3 (1/19/00) WAC 173-401-630(1), (3/5/2016)	Gas turbines must burn natural gas or No. 2 distillate oil with sulfur content ≤ 0.05% by weight. The facility may burn no more than 20.4 million gallons of low-sulfur No. 2 distillate fuel per year. PSE Ferndale shall maintain records of fuel oil usage and sulfur content as required by Ecology.	Monitoring of sulfur content of gaseous fuels by testing is required unless the gaseous fuel is demonstrated to meet the definition of natural gas by a valid purchase contract, tariff sheet or transportation contract. Natural gas contains 20.0 gr or less of total sulfur per 100 scf (680 ppmw, 0.068 wt%, 338 ppmv total sulfur at 20 °C). Monitoring of sulfur content of liquid fuels by testing is required. The sampling frequencies in 40 CFR Part 75 Appendix D (flow proportional sampling, daily sampling, sampling from the storage tank, sampling each delivery prior to adding it to the storage tank) may be used in the demonstration. Liquid Fuels: ASTM D129-00, D2622-98, D4294-02, D1266-98, D5453-00, or D1552-01 Gaseous Fuels: ASTM D1072-80,90; D3246-81,92,96; D4468-85; D6667-01. Alternatively, if the total sulfur content of the gaseous fuel during the most recent performance test was less than 0.4 weight percent (4,000 ppmw), ASTM D4084–82, 94, D5504–01, D6228–98, or Gas Processors Association Standard 2377–86, which measure the major sulfur compounds, may be used. *Directly Enforceable:* Keep receipts showing the type and quantity of all fuel oil received and its sulfur content. Keep records of the amount of fuel oil burned daily in each turbine.
5.1.7 GT/HRSG SO_2	40 CFR §60.331(u) and §60.333 (7/8/04) 40 CFR §60.334(h)(1), (h)(3), (i)(1), (j)(2) (2/24/06) WAC 173-401-630(1), (3/5/2016)	Sulfur content of fuels limited to 0.8% by weight, and sulfur dioxide emissions limited to 0.015% by volume at 15% oxygen on a dry basis.	

Table 5-1 Specifically Applicable Requirements – Combustion Turbines and Duct Burners 1A & 1B

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.1.8 GT/HRSG SO_2	OAC 330g Condition 3(F) (6/6/22) PSD 91-04 Amendment 1 Condition 4 (1/19/00) WAC 173-401-630(1), (3/5/2016)	SO_2 emissions from each GT/HRSG system exhaust stack shall be limited to the following based on an hourly average: 12 lb/hr when fired on natural gas 59 lb/hr when fired on No. 2 distillate oil	Monitoring of sulfur content of gaseous fuels by testing is required unless the gaseous fuel is demonstrated to meet the definition of natural gas by a valid purchase contract, tariff sheet or transportation contract. Natural gas contains 20.0 gr or less of total sulfur per 100 scf (680 ppmw, 0.068 wt%, 338 ppmv total sulfur at 20 °C). Monitoring of sulfur content of liquid fuels by testing is required. The sampling frequencies in 40 CFR Part 75 Appendix D (flow proportional sampling, daily sampling, sampling from the storage tank, sampling each delivery prior to adding it to the storage tank) may be used in the demonstration. Liquid Fuels: ASTM D129-00, D2622-98, D4294-02, D1266-98, D5453-00, or D1552-01 Gaseous Fuels: ASTM D1072-80,90; D3246-81,92,96; D4468-85; D6667-01. Alternatively, if the total sulfur content of the gaseous fuel during the most recent performance test was less than 0.4 weight percent (4,000 ppmw), ASTM D4084–82, 94, D5504–01, D6228–98, or Gas Processors Association Standard 2377–86, which measure the major sulfur compounds, may be used. *Directly Enforceable:* Keep receipts showing the type and quantity of all fuel oil received and its sulfur content. Keep records of the amount of fuel oil burned daily in each turbine.
5.1.9 GT/HRSG NO_X	OAC 330g Conditions 2(A) and 3(A) (6/6/22) PSD 91-04 Amendment 1 Condition 1 (1/19/00)	NO_X emissions from each GT/HRSG exhaust stack is limited to the following daily (24-hr calendar day) averages: When fired on natural gas: 7 ppmvd @ 15% O_2 – foggers off 6 ppmvd @ 15% O_2 – foggers on 33 lb/hr When fired on No. 2 distillate oil: 12 ppmvd @ 15% O_2 60 lb/hr	Operate CEMS in each stack for NO_X and O_2 in accordance with NWCAA 367, Appendix A, and 40 CFR 60 Appendix B. If the CEMS meet the ongoing requirements of 40 CFR part 75, the CEMS may be used to meet the requirements of 40 CFR part 60, subpart GG, except that the missing data substitution methodology provided for at 40 CFR part 75, subpart D, is not required for purposes of identifying excess emissions. Instead, periods of missing CEMS data are to be reported as monitor downtime in the excess emissions and monitoring performance report required in 40 CFR 60.7(c) (see section 3.1.4).

Table 5-1 Specifically Applicable Requirements – Combustion Turbines and Duct Burners 1A & 1B

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.1.10 GT/HRSG NO_X	OAC 330g Condition 4 (6/6/22) PSD 91-04 Amendment 1 Condition 8 (1/19/00)	Continuous emissions monitors (CEMs) for NO_X and O_2 shall be installed and operated on each stack.	For purposes of identifying excess emissions, CEMS data must be reduced to hourly averages. Report excess emissions for all periods of unit operation including startup, shutdown and malfunction. When both natural gas and distillate oil are combusted during the same calendar day, the source shall calculate and comply with a single prorated emission standard to determine compliance with the NO_X emission limit. For hours when natural gas and distillate oil are simultaneously combusted, the NO_X limit, for the purpose of calculating the daily prorated NO_X limit, shall be 12 ppmvd at 15% oxygen (60 lb/hr). All monitoring records shall be kept onsite for a minimum of two years and made available to the NWCAA for inspection.
5.1.11 Turbine NO_X	40 CFR §60.332(a)(1), (b) (6/30/16) and §60.334 (b) and (j)(1)(iii) (2/24/06)	NO_X emissions shall not exceed 101 ppmvd @ 15% O_2 based on a four-hour rolling average (101 ppmvd is based on 75 ppmvd plus allowed heat rate correction and zero fuel-bound nitrogen). An hour of excess emissions shall be any unit operating hour in which the 4-hour rolling average NO_X concentration exceeds the applicable limit.	
5.1.12 Duct Burner SO_2	OAC 330g Condition 1 (6/6/22) PSD 91-04 Amendment 1 Condition 3 (1/19/00)	HRSG duct burners shall burn only natural gas.	Maintain monthly duct burner fuel usage records for a period of 2 years following the date of such record.
5.1.13 Duct Burner NO_X	40 CFR §60.49b(d)(2), (o) (2/16/12)	Maintain records of the amount of natural gas combusted during each calendar month for each duct burner.	

Table 5-1 Specifically Applicable Requirements – Combustion Turbines and Duct Burners 1A & 1B

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.1.14 Duct Burner NO_X	40 CFR §60.44b(a)(4)(i), (h) (2/16/12) §60.46b(c), (f)(1) (2/27/14) §60.48b(h) (2/16/12)	NO_X (expressed as NO_2) emissions from the duct burners shall not exceed 0.20 lb/MMBtu heat input at all times, including periods of startup, shutdown, or malfunction. The owner or operator of a duct burner subject to the NOx standards in §60.44b(a)(4) is not required to install or operate a CEMS to measure NOx emissions from the duct burner.	
5.1.15 GT/HRSG CO	OAC 330g Condition 2(B) and 3(B) (6/6/22); PSD 91-04 Amendment 1 Condition 2 (1/19/00)	CO emissions from each GT/HRSG system exhaust stack shall be limited to 20 ppmvd corrected to 15% O_2 on an hourly average basis and 44 lb/hr.	Follow the MR&R of Permit Term 5.1.17.
5.1.16 GT/HRSG NH_3	OAC 330g Condition 2(C), 3(C), and 5 (for NH3) (6/6/22) WAC 173-401-630(1), (3/5/2016)	NH_3 emissions from each GT/HRSG system exhaust stack shall not exceed 9 ppmvd corrected to 15% O_2 on an hourly average. NH_3 emissions from each GT/HRSG system exhaust stack shall not exceed 15 lb/hr on natural gas or 16 lb/hr on No. 2 distillate oil.	Conduct annual source testing in accordance with NWCAA Section 367 and NWCAA Appendix A using BAAQMD Method ST-1B or other method approved in advance by NWCAA in writing to test for ammonia. Tests shall be conducted while burning natural gas and shall be completed within thirteen months of the anniversary date of the previous test. *Directly Enforceable:* If the setting of the NH_3 flow regulation valve required to maintain adequate control of NO_X is found to increase by more than 20% over values recorded previously since the last NH_3 source test, PSE Ferndale shall take immediate corrective action to return the NH_3 injection rate to the rate recorded at the last source test. If the corrective action does not return the NH_3 injection rate to this level within thirty days PSE Ferndale shall begin NH_3 continuous monitoring.

Table 5-1 Specifically Applicable Requirements – Combustion Turbines and Duct Burners 1A & 1B

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.1.17 GT/HRSG CO & NH_3	OAC 330g Condition 5 (for CO) (6/6/22)	An annual source test for carbon monoxide (CO) and ammonia emissions shall be completed for each GT/HRSG stack.	Conduct annual source testing in accordance with NWCAA Section 367 and NWCAA Appendix A using EPA Method 10 to test for CO. Tests shall be conducted while burning natural gas and shall be completed within eleven to thirteen months of the anniversary date of the previous test.
5.1.18 GT/HRSG VOC	OAC 330g Condition 3(D) (6/6/22) PSD 91-04 Amendment 1 Condition 6 (1/19/00) WAC 173-401-615(1)(b) & (c) (10/17/2002)	VOC emissions from each GT/HRSG system exhaust stack shall be limited to 15 lb/hr.	*Directly Enforceable:* Follow the MR&R of Permit Term 5.1.2.
5.1.19 GT/HRSG Opacity	OAC 330g Condition 2(E) (6/6/22); PSD 91-04 Amendment 1 Condition 7 1/19/2000 WAC 173-401-615(1)(b) & (c) (10/17/2002)	Opacity from each GT/HRSG system exhaust stack shall not exceed 5% as measured by EPA Method 9.	*Directly Enforceable:* Follow the MR&R of Permit Term 4.12.

Table 5-1 Specifically Applicable Requirements – Combustion Turbines and Duct Burners 1A & 1B

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.1.20 GT/HRSG PM_{10}	OAC 330g Conditions 2d and 3(E) (6/6/22) PSD 91-04 Amendment 1 Condition 5 (1/19/00) WAC 173-401-615(1)(b) & (c) (10/17/2002)	PM_{10} emissions from each GT/HRSG system exhaust stack shall not exceed 0.0022 gr/dscf corrected to 15% O_2 and shall not exceed 13 lb/hr on an hourly average.	*Directly Enforceable:* Follow the MR&R of Permit Term 4.12.
5.1.21 Reports	OAC 330g Condition 6 (6/6/22)	Submit a monthly written report to NWCAA.	Report the following information to the NWCAA on a calendar month basis within 30 days after the end of the previous month: a) Daily average concentration of NO_X in ppmvd corrected to 15% O_2 and NO_X emissions in lb/day for each GT/HRSG stack. b) Standard cubic feet of natural gas burned in each of the turbines and duct burners. c) Total gallons of No. 2 distillate oil burned in each of the turbines. Sulfur content of oil shall be determined by vendor receipt or lab analysis on each occasion that fuel is transferred to the storage tank from any source and records shall be maintained on site for a period of at least five years. d) Number of hours each turbine and duct burner operated. e) The duration and nature of any continuous emission monitor downtime, excluding daily calibration and drift tests. f) Highest sulfur content weight percent in the No. 2 distillate oil burned. g) The results of any monitor audits or accuracy checks. h) Results of any stack tests. i) Total pounds of SO_2 emitted on a monthly basis. j) Number of hours each fogger was in use.

Table 5-1 Specifically Applicable Requirements – Combustion Turbines and Duct Burners 1A & 1B

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.1.22 Reports	PSD 91-04 Amendment 1 Condition 9 (1/19/00)	CEMS and process data shall be reported in written form to NWCAA monthly within 30 days of the end of each calendar month and in a format approved by Ecology.	For each occurrence of monitored emissions in excess of the standard, report the following to NWCAA as part of the monthly report required by Permit Term 5.1.21: 1. The time of the occurrence. 2. Magnitude of the emission or process parameters excess. 3. The duration of the excess. 4. The probable cause. 5. Corrective actions taken or planned.

Table 5-2 Specifically Applicable Requirements – 182 hp Fire Pump Engine

The requirements in this table become applicable on May 3, 2013.

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.2.1	40 CFR 63.6603(a) (1/30/13), 63.6625(i) (1/30/13), 63.6640(b) (1/30/13), and 63.6650(f) (1/30/13) 40 CFR 63 Subpart ZZZZ Table 2d Line 4 (1/30/13)	Change oil and filter every 500 hours of operation or annually, whichever comes first or utilize an oil analysis program in order to extend the specified oil change requirement. Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary. If an emergency engine is operating during an emergency and it is not possible to shut down the engine in order to perform the management practice requirements of this subpart, or if performing the management practice on the required schedule would otherwise pose an unacceptable risk under Federal, State, or local law, the management practice can be delayed until the emergency is over or the unacceptable risk under Federal, State, or local law has abated. The management practice should be performed as soon as practicable after the emergency has ended or the unacceptable risk under Federal, State, or local law has abated. The oil analysis program to extend the specified oil change requirement, if utilized, shall be performed in accordance with 40 CFR 63.6625(i).	Report each instance in which each emission limitation or operating limitation was not met. These instances are deviations from the emission and operating limitations. These deviations must be reported according to the requirements in 40 CFR 63.6650(f) and AOP Term 2.4.7. Report any failure to perform the management practice on the schedule required and the Federal, State or local law under which the risk was deemed unacceptable. If an oil analysis program is utilized to extend the specified oil change requirement, the owner or operator must keep records of the parameters that are analyzed as part of the program, the results of the analysis, and the oil changes for the engine. The analysis program must be part of the maintenance plan for the engine.
5.2.2	40 CFR 63.6625(e) (1/30/13), 63.6640(a) (1/30/13), and 63.6655(d) & (e) (1/30/13) 40 CFR 63 Subpart ZZZZ Table 6 Line 9 (1/30/13)	Operate and maintain the stationary RICE and after-treatment control device (if any) according to the manufacturer's emission-related written instructions or develop your own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions.	Keep records of operating and maintaining the stationary RICE according to the manufacturer's emission-related operation and maintenance instruction. Or, if you develop your own maintenance plan, keep records of the maintenance conducted on the stationary RICE in order to demonstrate that you operated and maintained the stationary RICE and after-treatment control device (if any) according to your own maintenance plan.

Table 5-2 Specifically Applicable Requirements – 182 hp Fire Pump Engine

The requirements in this table become applicable on May 3, 2013.

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.2.3	40 CFR 63.6625(f) (1/30/13), 63.6640 (f) (1/30/13), and 63.6655(f) (1/30/13)	Install a non-resettable hour meter if one is not already installed. Any operation other than emergency operation, maintenance and testing, and operation in non-emergency situations for 50 hours per year is prohibited. If the engine is not operated according to these requirements, the engine will not be considered an emergency engine and will need to meet all requirements for non-emergency engines. There is no time limit on the use of emergency stationary RICE in emergency situations. Maintenance checks and readiness testing of such units is limited to 100 hours per year. The emergency engine may be operated up to 50 hours per year operation in non-emergency situations (which may include up to 15 hours per year as part of a demand response program). All non-emergency operating hours are counted towards the 100 hours per year provided for maintenance and testing. The engine may not be operated for more than 30 minutes prior to the time when the emergency condition is expected to occur, and the engine operation must be terminated immediately after the facility is notified that the emergency condition is no longer imminent. The 15 hours non-emergency operation as part of a demand response program must meet the requirements in 40 CFR 63.6640(f)(iii).	Keep records of the hours of operation of the engine that is recorded through the non-resettable hour meter. The owner or operator must document how many hours are spent for emergency operation, including what classified the operation as emergency and how many hours are spent for non-emergency operation. If the engine is used for demand response operation, the owner or operator must keep records of the notification of the emergency situation, and the time the engine was operated as part of demand response. The owner or operator may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that Federal, State, or local standards require maintenance and testing of emergency RICE beyond 100 hours per year.

Table 5-2 Specifically Applicable Requirements – 182 hp Fire Pump Engine

The requirements in this table become applicable on May 3, 2013.

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.2.4	40 CFR 63.6595(c) (1/30/13), 63.6640(e) (1/30/13), 63.6645(a)(5) (1/30/13), and 63.6650(f) (1/30/13) 40 CFR 63 Subpart ZZZZ Table 8 (1/30/13)	Comply with applicable requirements in 40 CFR 63 Subpart A as listed in 40 CFR 63 Subpart ZZZZ Table 8. Notifications under 63.7(b) and (c), 63.8(e), (f)(4) and (f)(6), 63.9(b) through (e), and (g) and (h) do not apply to existing stationary emergency RICE.	Report each instance in which the applicable requirements in 40 CFR 63 Subpart A as listed in 40 CFR 63 Subpart ZZZZ Table 8 are not met. Deviations must be reported according to the requirements in 40 CFR 63.6650(f) and AOP Term 2.4.7.
5.2.5	40 CFR 63.6605 (1/30/13), 63.6625(h) (1/30/13), and 63.6655(a) (1/30/13)	Comply with the emission limitations and operating limitations in this subpart that apply at all times. Minimize the engine's time spent at idle during startup and minimize the engine's startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes. At all times, operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require any further efforts to reduce emissions if levels required by this standard have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.	Keep the following records: • A copy of each notification and report that you submitted to comply with this subpart, including all documentation supporting any Initial Notification or Notification of Compliance Status that you submitted, according to the requirement in 63.10(b)(2)(xiv). • Records of the occurrence and duration of each malfunction of operation (i.e., process equipment) or the air pollution control and monitoring equipment. • Records of performance tests and performance evaluations as required in 63.10(b)(2)(viii). • Records of all required maintenance performed on the air pollution control and monitoring equipment. • Records of actions taken during periods of malfunction to minimize emissions in accordance with 63.6605(b), including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.

SECTION 6 ACID RAIN PERMIT FOR COMBUSTION TURBINES 1A AND 1B

Issued to:	Tenaska Ferndale Cogeneration Station[i]
Operated by:	Puget Sound Energy
Address:	5105 Lake Terrell Road, Ferndale, WA 98248
Affected unit(s) at source:	Turbines (Units CT-1A and CT-1B)
Effective:	This Acid Rain Permit, as part of the PSE Ferndale Generating Station Title V Permit per WAC 173-406-604, will become effective upon the effective date of the Title V Permit. The Acid Rain Permit shall have a permit term of 5 years beginning on the effective date.

6.1. **Applicability**

The facility became subject to the Acid Rain Regulations when their contract with Puget Sound Energy expired in January 2012. Previously, the facility was exempt from the provisions of the Acid Rain regulations in 40 CFR Part 72 and 75 because it was a "qualifying facility".

6.2. **Statement of Basis**

Statutory and Regulatory Authorities: In accordance with Washington Administrative Code (WAC) 173-406 (12/24/94) "Acid Rain Regulation" and WAC 173-401 (10/17/02) "Operating Permit Regulation", the NWCAA issues this permit pursuant to WAC 173-406 and WAC 173-401. WAC 173-406 is based on the provisions of Title 40 Code of Federal Regulations (CFR) Parts 72-76, which are part of the requirements established pursuant to Title IV of the Clean Air Act, 42 U.S.C. 7401, et seq., as amended by Public Law 101-549 (November 15, 1990).

6.3. **Acid Rain Permit Application**

The acid rain permit application for the facility is provided below. The owners and operators of the source must comply with the standard requirements and special provisions set forth in the application and in WAC 173-406.

[i] As the facility was named when the acid rain permit was first issued.

United States
Environmental Protection Agency
Acid Rain Program

OMB No. 2060-0258
Approval expires 12/31/2021

Acid Rain Permit Application

For more information, see instructions and 40 CFR 72.30 and 72.31.

This submission is: ☐ new ☐ revised ☒ for ARP permit renewal

STEP 1

Identify the facility name, State, and plant (ORIS) code.

Ferndale Generating Station	WA	54537
Facility (Source) Name	State	Plant Code

STEP 2

Enter the unit ID# for every affected unit at the affected source in column "a."

a	b
Unit ID#	Unit Will Hold Allowances in Accordance with 40 CFR 72.9(c)(1)
CT-1A	Yes
CT-1B	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes

EPA Form 7610-16 (Revised 10-2020)

Ferndale Generating Station
Facility (Source) Name (from STEP 1)

STEP 3

Read the standard requirements.

Permit Requirements

(1) The designated representative of each affected source and each affected unit at the source shall:
   (i) Submit a complete Acid Rain permit application (including a compliance plan) under 40 CFR part 72 in accordance with the deadlines specified in 40 CFR 72.30; and
   (ii) Submit in a timely manner any supplemental information that the permitting authority determines is necessary in order to review an Acid Rain permit application and issue or deny an Acid Rain permit;
(2) The owners and operators of each affected source and each affected unit at the source shall:
   (i) Operate the unit in compliance with a complete Acid Rain permit application or a superseding Acid Rain permit issued by the permitting authority; and
   (ii) Have an Acid Rain Permit.

Monitoring Requirements

(1) The owners and operators and, to the extent applicable, designated representative of each affected source and each affected unit at the source shall comply with the monitoring requirements as provided in 40 CFR part 75.
(2) The emissions measurements recorded and reported in accordance with 40 CFR part 75 shall be used to determine compliance by the source or unit, as appropriate, with the Acid Rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain Program.
(3) The requirements of 40 CFR part 75 shall not affect the responsibility of the owners and operators to monitor emissions of other pollutants or other emissions characteristics at the unit under other applicable requirements of the Act and other provisions of the operating permit for the source.

Sulfur Dioxide Requirements

(1) The owners and operators of each source and each affected unit at the sourceshall:
   (i) Hold allowances, as of the allowance transfer deadline, in the source's compliance account (after deductions under 40 CFR 73.34(c)), not less than the total annual emissions of sulfur dioxide for the previous calendar year from the affected units at the source; and
   (ii) Comply with the applicable Acid Rain emissions limitations for sulfur dioxide.
(2) Each ton of sulfur dioxide emitted in excess of the Acid Rain emissions limitations for sulfur dioxide shall constitute a separate violation of the Act.
(3) An affected unit shall be subject to the requirements under paragraph (1) of the sulfur dioxide requirements as follows:
   (i) Starting January 1, 2000, an affected unit under 40 CFR 72.6(a)(2); or
   (ii) Starting on the later of January 1, 2000 or the deadline for monitor certification under 40 CFR part 75, an affected unit under 40 CFR 72.6(a)(3).
(4) Allowances shall be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program.
(5) An allowance shall not be deducted in order to comply with the requirements under paragraph (1) of the sulfur dioxide requirements prior to the calendar year for which the allowance was allocated.
(6) An allowance allocated by the Administrator under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the Acid Rain permit application, the Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.
(7) An allowance allocated by the Administrator under the Acid Rain Program does not constitute a property right.

Nitrogen Oxides Requirements

The owners and operators of the source and each affected unit at the source shall comply with the applicable Acid Rain emissions limitation for nitrogen oxides.

Ferndale Generating Station
Facility (Source) Name (from STEP 1)

STEP 3, Cont'd.

Excess Emissions Requirements

(1) The designated representative of an affected source that has excess emissions in any calendar year shall submit a proposed offset plan, as required under 40 CFR part 77.
(2) The owners and operators of an affected source that has excess emissions in any calendar year shall:
   (i) Pay without demand the penalty required, and pay upon demand the interest on that penalty, as required by 40 CFR part 77; and
   (ii) Comply with the terms of an approved offset plan, as required by 40 CFR part 77.

Recordkeeping and Reporting Requirements

(1) Unless otherwise provided, the owners and operators of the source and each affected unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the Administrator or permitting authority:
   (i) The certificate of representation for the designated representative for the source and each affected unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with 40 CFR 72.24; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative;
   (ii) All emissions monitoring information, in accordance with 40 CFR part 75, provided that to the extent that 40 CFR part 75 provides for a 3-year period for recordkeeping, the 3-year period shall apply.
   (iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the Acid Rain Program; and,
   (iv) Copies of all documents used to complete an Acid Rain permit application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program.
(2) The designated representative of an affected source and each affected unit at the source shall submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR part 72 subpart I and 40 CFR part 75.

Liability

(1) Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, a complete Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement pursuant to section 113(c) of the Act.
(2) Any person who knowingly makes a false, material statement in any record, submission, or report under the Acid Rain Program shall be subject to criminal enforcement pursuant to section 113(c) of the Act and 18 U.S.C. 1001.
(3) No permit revision shall excuse any violation of the requirements of the Acid Rain Program that occurs prior to the date that the revision takes effect.
(4) Each affected source and each affected unit shall meet the requirements of the Acid Rain Program.
(5) Any provision of the Acid Rain Program that applies to an affected source (including a provision applicable to the designated representative of an affected source) shall also apply to the owners and operators of such source and of the affected units at the source.
(6) Any provision of the Acid Rain Program that applies to an affected unit (including a provision applicable to the designated representative of an affected unit) shall also apply to the owners and operators of such unit.
(7) Each violation of a provision of 40 CFR parts 72, 73, 74, 75, 76, 77, and 78 by an affected source or affected unit, or by an owner or operator or designated representative of such source or unit, shall be a separate violation of the Act.

Ferndale Generating Station
Facility (Source) Name (from STEP 1)

STEP 3, Cont'd.

Effect on Other Authorities

No provision of the Acid Rain Program, an Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8 shall be construed as:

(1) Except as expressly provided in title IV of the Act, exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an affected source or affected unit from compliance with any other provision of the Act, including the provisions of title I of the Act relating to applicable National Ambient Air Quality Standards or State Implementation Plans;

(2) Limiting the number of allowances a source can hold; provided, that the number of allowances held by the source shall not affect the source's obligation to comply with any other provisions of the Act;

(3) Requiring a change of any kind in any State law regulating electric utility rates and charges, affecting any State law regarding such State regulation, or limiting such State regulation, including any prudence review requirements under such State law;

(4) Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or,

(5) Interfering with or impairing any program for competitive bidding for power supply in a State in which such program is established.

STEP 4

Read the certification statement, sign, and date.

Certification

I am authorized to make this submission on behalf of the owners and operators of the affected source or affected units 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.

Mark Carlson Name	Director of Southern Generation & Natural Gas Storage
Signature	Date 03/21/22

EPA Form 7610-16 (Revised 10-2020)

Instructions for the Acid Rain Program Permit Application

The Acid Rain Program requires the designated representative to submit an Acid Rain permit application for each source with an affected unit. A complete Certificate of Representation must be received by EPA before the permit application is submitted to the Title V permitting authority. A complete Acid Rain permit application, once submitted, is binding on the owners and operators of the affected source and is enforceable in the absence of a permit until the Title V permitting authority either issues a permit to the source or disapproves the application.

Please type or print. If assistance is needed, contact the Title V permitting authority.

STEP 1 A Plant Code is a 4 or 5 digit number assigned by the Department of Energy's (DOE) Energy Information Administration (EIA) to facilities that generate electricity. For older facilities, "Plant Code" is synonymous with "ORISPL" and "Facility" codes. If the facility generates electricity but no Plant Code has been assigned, or if there is uncertainty regarding what the Plant Code is, send an email to the EIA. The email address is EIA-860@eia.gov.

STEP 2 In column "a," identify each unit at the facility by providing the appropriate unit identification number, consistent with the identifiers used in the Certificate of Representation and with submissions made to DOE and/or EIA. Do not list duct burners. For new units without identification numbers, owners and operators must assign identifiers consistent with EIA and DOE requirements. Each Acid Rain Program submission that includes the unit identification number(s) (e.g., Acid Rain permit applications, monitoring plans, quarterly reports, etc.) should reference those unit identification numbers in exactly the same way that they are referenced on the Certificate of Representation.

Submission Deadlines

For new units, an initial Acid Rain permit application must be submitted to the Title V permitting authority 24 months before the date the unit commences operation. Acid Rain permit renewal applications must be submitted at least 6 months in advance of the expiration of the acid rain portion of a Title V permit, or such longer time as provided for under the Title V permitting authority's operating permits regulation.

Submission Instructions

Submit this form to the appropriate Title V permitting authority. If you have questions regarding this form, contact your local, State, or EPA Regional Acid Rain contact, or call EPA's Clean Air Markets Hotline at (202) 343-9620.

Paperwork Burden Estimate

This collection of information is approved by OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. (OMB Control No. 2060-0258). Responses to this collection of information are mandatory (40 CFR 72.30 and 72.31). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The public reporting and recordkeeping burden for this collection of information is estimated to be 8 hours per response. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates and any suggested methods for minimizing respondent burden to the Regulatory Support Division Director, U.S. Environmental Protection Agency (2821T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.

United States Environmental Protection Agency
Acid Rain, CAIR, and Transport Rule Trading Programs

OMB Nos. 2060-0258, 2060-0570, and 2060-0667
Approval Expires 07/31/2014

Certificate of Representation

For more information, see instructions and 40 CFR 72.24, 96.113, 96.213, 96.313, 97.113, 97.213, 97.313, 97.416, 97.516, 97.616, 97.716, or a comparable state regulation, as applicable.

This submission is: ☐ New ☒ Revised (revised submissions must be complete; see instructions)

FACILITY (SOURCE) INFORMATION

STEP 1
Provide information for the facility (source).

Facility (Source) Name	State	Plant Code
Ferndale Generating Station	WA	54537

County Name
Whatcom County

Latitude	Longitude
48.8283	-122.6853

STEP 2
Enter requested information for the designated representative.

Name	Title
Mark Carlson	Director, Southern Generation & Natural Gas Storage

Company Name
Puget Sound Energy

Mailing Address
1200 Prudential Blvd., Longview, WA 98632

Phone Number	Fax Number
360-353-7220	

E-mail address
Mark.Carlson@pse.com

STEP 3
Enter requested information for the alternate designated representative.

Name	Title
Ryan Blood	Director, Generation North

Company Name
Puget Sound Energy

Mailing Address
PSE M/S NOB, P.O. Box 91269, Bellevue, WA 98009-9269

Phone Number	Fax Number
425-457-4104	

E-mail address
Ryan.Blood@pse.com

EPA Form 7610-1 (Revised 8-2011)

UNIT INFORMATION

STEP 4: Complete a separate page 2 for each unit located at the facility identified in STEP 1 (i.e., for each boiler, simple cycle combustion turbine, or combined cycle combustion turbine) Do not list duct burners. Indicate each program to which the unit is subject, and enter all other unit-specific information. See instructions for more details.

Applicable Program(s): X Acid Rain ☐ CAIR NO_X Annual ☐ CAIR SO_2 ☐ CAIR NO_X Ozone Season ☐ TR NO_X Annual ☐ TR NO_X Ozone Season ☐ TR SO_2 Annual

Unit ID#	Unit Type	Source Category / NAICS Code	Generator ID Number (Maximum 8 characters)	Acid Rain Nameplate Capacity (MWe)	CAIR/Transport Rule Nameplate Capacity (MWe)
CT-1A	Combined Cycle Combustion Turbine	Source Category: 4911 NAICS Code: 221112	GT1A	91	
			STG1	88	

Date unit began (or will begin) serving any generator producing electricity for sale (including test generation) (mm/dd/yyyy): April 1994	Is this unit located in Indian Country?	If this is the first time the unit has been identified on the Certificate of Representation for this facility, was the unit moved from another facility?
Check One: Actual X; Projected ☐	Check One: Yes ☐; No X	Check One: Yes ☐; No X

Company Name: Puget Sound Energy	X Owner ☐ Operator
Company Name: NAES	☐ Owner X Operator
Company Name:	☐ Owner ☐ Operator
Company Name:	☐ Owner ☐ Operator
Company Name:	☐ Owner ☐ Operator

EPA Form 7610-1 (Revised 8-2011)

UNIT INFORMATION

STEP 4: Complete a separate page 2 for each unit located at the facility identified in STEP 1 (i.e., for each boiler, simple cycle combustion turbine, or combined cycle combustion turbine) Do not list duct burners. Indicate each program to which the unit is subject, and enter all other unit-specific information. See instructions for more details.

Applicable Program(s): X Acid Rain ☐ CAIR NO_X Annual ☐ CAIR SO_2 ☐ CAIR NO_X Ozone Season ☐ TR NO_x Annual ☐ TR NO_x Ozone Season ☐ TR SO_2 Annual

Unit ID#	Unit Type	Source Category / NAICS Code	Generator ID Number (Maximum 8 characters)	Acid Rain Nameplate Capacity (MWe)	CAIR/Transport Rule Nameplate Capacity (MWe)
CT-1B	Combined Cycle Combustion Turbine	Source Category: 4911 NAICS Code: 221112	GT1B	91	
			STG1	88	

Date unit began (or will begin) serving any generator producing electricity for sale (including test generation) (mm/dd/yyyy): April 1994	Is this unit located in Indian Country?	If this is the first time the unit has been identified on the Certificate of Representation for this facility, was the unit moved from another facility?
Check One: Actual X; Projected ☐	Check One: Yes ☐; No X	Check One: Yes ☐; No X

Company Name: Puget Sound Energy	X Owner; ☐ Operator
Company Name: NAES	☐ Owner; X Operator
Company Name:	☐ Owner; ☐ Operator
Company Name:	☐ Owner; ☐ Operator
Company Name:	☐ Owner; ☐ Operator

EPA Form 7610-1 (Revised 8-2011)

STEP 5: Read the appropriate certification statements, sign, and date.

Acid Rain Program

I certify that I was selected as the designated representative or alternate designated representative (as applicable) by an agreement binding on the owners and operators of the affected source and each affected unit at the source (i.e., the source and each unit subject to the Acid Rain Program, as indicated in "Applicable Program(s)" in Step 4).

I certify that I have all necessary authority to carry out my duties and responsibilities under the Acid Rain Program on behalf of the owners and operators of the affected source and each affected unit at the source and that each such owner and operator shall be fully bound by my representations, actions, inactions, or submissions.

I certify that the owners and operators of the affected source and each affected unit at the source shall be bound by any order issued to me by the Administrator, the permitting authority, or a court regarding the source or unit.

Where there are multiple holders of a legal or equitable title to, or a leasehold interest in, an affected unit, or where a utility or industrial customer purchases power from an affected unit under a life-of-the-unit, firm power contractual arrangement, I certify that:

> I have given a written notice of my selection as the designated representative or alternate designated representative (as applicable) and of the agreement by which I was selected to each owner and operator of the affected source and each affected unit at the source; and
>
> Allowances, and proceeds of transactions involving allowances, will be deemed to be held or distributed in proportion to each holder's legal, equitable, leasehold, or contractual reservation or entitlement, except that, if such multiple holders have expressly provided for a different distribution of allowances, allowances and proceeds of transactions involving allowances will be deemed to be held or distributed in accordance with the contract.

Clean Air Interstate Rule (CAIR) NO_X Annual Trading Program

I certify that I was selected as the CAIR designated representative or alternate CAIR designated representative (as applicable), by an agreement binding on the owners and operators of the CAIR NO_X source and each CAIR NO_X unit at the source (i.e., the source and each unit subject to the CAIR NO_X Annual Trading Program, as indicated in "Applicable Program(s)" in Step 4).

I certify that I have all necessary authority to carry out my duties and responsibilities under the CAIR NO_X Annual Trading Program on behalf of the owners and operators of the CAIR NO_X source and each CAIR NO_X unit at the source and that each such owner and operator shall be fully bound by my representations, actions, inactions, or submissions.

I certify that the owners and operators of the CAIR NO_X source and each CAIR NO_X unit at the source shall be bound by any order issued to me by the Administrator, the permitting authority, or a court regarding the source or unit.

Where there are multiple holders of a legal or equitable title to, or a leasehold interest in, a CAIR NO_X unit, or where a utility or industrial customer purchases power from a CAIR NO_X unit under a life-of-the-unit, firm power contractual arrangement, I certify that:

> I have given a written notice of my selection as the CAIR designated representative or alternate CAIR designated representative (as applicable) and of the agreement by which I was selected to each owner and operator of the CAIR NO_X source and each CAIR NO_X unit at the source; and
>
> CAIR NO_X allowances and proceeds of transactions involving CAIR NO_X allowances will be deemed to be held or distributed in proportion to each holder's legal, equitable, leasehold, or contractual reservation or entitlement, except that, if such multiple holders have expressly provided for a different distribution of CAIR NO_X allowances by contract, CAIR NO_X allowances and proceeds of transactions involving CAIR NO_X allowances will be deemed to be held or distributed in accordance with the contract.

Clean Air Interstate Rule (CAIR) SO_2 Trading Program

I certify that I was selected as the CAIR designated representative or alternate CAIR designated representative (as applicable), by an agreement binding on the owners and operators of the CAIR SO_2 source and each CAIR SO_2 unit at the source (i.e., the source and each unit subject to the SO_2 Trading Program, as indicated in "Applicable Program(s)" in Step 4).

I certify that I have all necessary authority to carry out my duties and responsibilities under the CAIR SO_2 Trading Program, on behalf of the owners and operators of the CAIR SO_2 source and each CAIR SO_2 unit at the source and that each such owner and operator shall be fully bound by my representations, actions, inactions, or submissions.

I certify that the owners and operators of the CAIR SO_2 source and each CAIR SO_2 unit at the source shall be bound by any order issued to me by the Administrator, the permitting authority, or a court regarding the source or unit.

Where there are multiple holders of a legal or equitable title to, or a leasehold interest in, a CAIR SO_2 unit, or where a utility or industrial customer purchases power from a CAIR SO_2 unit under a life-of-the-unit, firm power contractual arrangement, I certify that:

> I have given a written notice of my selection as the CAIR designated representative or alternate CAIR designated representative (as applicable) and of the agreement by which I was selected to each owner and operator of the CAIR SO_2 source and each CAIR SO_2 unit at the source; and
>
> CAIR SO_2 allowances and proceeds of transactions involving CAIR SO_2 allowances will be deemed to be held or distributed in proportion to each holder's legal, equitable, leasehold, or contractual reservation or entitlement, except that, if such multiple holders have expressly provided for a different distribution of CAIR SO_2 allowances by contract, CAIR SO_2 allowances and proceeds of transactions involving CAIR SO_2 allowances will be deemed to be held or distributed in accordance with the contract.

Clean Air Interstate Rule (CAIR) NO_X Ozone Season Trading Program

I certify that I was selected as the CAIR designated representative or alternate CAIR designated representative (as applicable), by an agreement binding on the owners and operators of the CAIR NO_X Ozone Season source and each CAIR NO_X Ozone Season unit at the source (i.e., the source and each unit subject to the CAIR NO_X Ozone Season Trading Program, as indicated in "Applicable Program(s)" in Step 4).

I certify that I have all necessary authority to carry out my duties and responsibilities under the CAIR NO_X Ozone Season Trading Program on behalf of the owners and operators of the CAIR NO_X Ozone Season source and each CAIR NO_X Ozone Season unit at the source and that each such owner and operator shall be fully bound by my representations, actions, inactions, or submissions.

I certify that the owners and operators of the CAIR NO_X Ozone Season source and each CAIR NO_X Ozone Season unit shall be bound by any order issued to me by the Administrator, the permitting authority, or a court regarding the source or unit.

Where there are multiple holders of a legal or equitable title to, or a leasehold interest in, a CAIR NO_X Ozone Season unit, or where a utility or industrial customer purchases power from a CAIR NO_X Ozone Season unit under a life-of-the-unit, firm power contractual arrangement, I certify that:

> I have given a written notice of my selection as the CAIR designated representative or alternate CAIR designated representative (as applicable) and of the agreement by which I was selected to each owner and operator of the CAIR NO_X Ozone Season source and each CAIR NO_X Ozone Season unit; and
>
> CAIR NO_X Ozone Season allowances and proceeds of transactions involving CAIR NO_X Ozone Season allowances will be deemed to be held or distributed in proportion to each holder's legal, equitable, leasehold, or contractual reservation or entitlement, except that, if such multiple holders have expressly provided for a different distribution of CAIR NO_X Ozone Season allowances by contract, CAIR NO_X Ozone Season allowances and proceeds of transactions involving CAIR NO_X Ozone Season allowances will be deemed to be held or distributed in accordance with the contract.

Transport Rule NO_x Annual Trading Program

I certify that I was selected as the designated representative or alternate designated representative, as applicable, by an agreement binding on the owners and operators of the source and each TR NOX Annual unit at the source.

I certify that I have all the necessary authority to carry out my duties and responsibilities under the TR NOX Annual Trading Program on behalf of the owners and operators of the source and of each TR NOX Annual unit at the source and that each such owner and operator shall be fully bound by my representations, actions, inactions, or submissions and by any order issued to me by the Administrator regarding the source or unit.

Where there are multiple holders of a legal or equitable title to, or a leasehold interest in, a TR NOX Annual unit, or where a utility or industrial customer purchases power from a TR NOX Annual unit under a life-of-the-unit, firm power contractual arrangement, I certify that:

> I have given a written notice of my selection as the 'designated representative' or 'alternate designated representative', as applicable, and of the agreement by which I was selected to each owner and operator of the source and of each TR NOX Annual unit at the source.
>
> TR NOX Annual allowances and proceeds of transactions involving TR NOX Annual allowances will be deemed to be held or distributed in proportion to each holder's legal, equitable, leasehold, or contractual reservation or entitlement, except that, if such multiple holders have expressly provided for a different distribution of TR NOX Annual allowances by contract, TR NOX Annual allowances and proceeds of transactions involving TR NOX Annual allowances will be deemed to be held or distributed in accordance with the contract.

Transport Rule NO_x Ozone Season Trading Program

I certify that I was selected as the designated representative or alternate designated representative, as applicable, by an agreement binding on the owners and operators of the source and each TR NOX Ozone Season unit at the source.

I certify that I have all the necessary authority to carry out my duties and responsibilities under the TR NOX Ozone Season Trading Program on behalf of the owners and operators of the source and of each TR NOX Ozone Season unit at the source and that each such owner and operator shall be fully bound by my representations, actions, inactions, or submissions and by any order issued to me by the Administrator regarding the source or unit.

Where there are multiple holders of a legal or equitable title to, or a leasehold interest in, a TR NOX Ozone Season unit, or where a utility or industrial customer purchases power from a TR NOX Ozone Season unit under a life-of-the-unit, firm power contractual arrangement, I certify that:

> I have given a written notice of my selection as the 'designated representative' or 'alternate designated representative', as applicable, and of the agreement by which I was selected to each owner and operator of the source and of each TR NOX Ozone Season unit at the source.
>
> TR NOX Ozone Season allowances and proceeds of transactions involving TR NOX Ozone Season allowances will be deemed to be held or distributed in proportion to each holder's legal, equitable, leasehold, or contractual reservation or entitlement, except that, if such multiple holders have expressly provided for a different distribution of TR NOX Ozone Season allowances by contract, TR NOX Ozone Season allowances and proceeds of transactions involving TR NOX Ozone Season allowances will be deemed to be held or distributed in accordance with the contract.

Transport Rule SO_2 Annual Group 1 Trading Program

I certify that I was selected as the designated representative or alternate designated representative, as applicable, by an agreement binding on the owners and operators of the source and each TR SO2 Group 1 unit at the source.

I certify that I have all the necessary authority to carry out my duties and responsibilities under the TR SO2 Group 1 Trading Program on behalf of the owners and operators of the source and of each TR SO2 Group 1 unit at the source and that each such owner and operator shall be fully bound by my representations, actions, inactions, or submissions and by any order issued to me by the Administrator regarding the source or unit.

Where there are multiple holders of a legal or equitable title to, or a leasehold interest in, a TR SO2 Group 1 unit, or where a utility or industrial customer purchases power from a TR SO2 Group 1 unit under a life-of-the-unit, firm power contractual arrangement, I certify that:

> I have given a written notice of my selection as the 'designated representative' or 'alternate designated representative', as applicable, and of the agreement by which I was selected to each owner and operator of the source and of each TR SO2 Group 1 unit at the source.
>
> TR SO2 Group 1 allowances and proceeds of transactions involving TR SO2 Group 1 allowances will be deemed to be held or distributed in proportion to each holder's legal, equitable, leasehold, or contractual reservation or entitlement, except that, if such multiple holders have expressly provided for a different distribution of TR SO2 Group 1 allowances by contract, TR SO2 Group 1 allowances and proceeds of transactions involving TR SO2 Group 1 allowances will be deemed to be held or distributed in accordance with the contract.

Transport Rule SO_2 Annual Group 2 Trading Program

I certify that I was selected as the designated representative or alternate designated representative, as applicable, by an agreement binding on the owners and operators of the source and each TR SO2 Group 2 unit at the source.

I certify that I have all the necessary authority to carry out my duties and responsibilities under the TR SO2 Group 2 Trading Program on behalf of the owners and operators of the source and of each TR SO2 Group 2 unit at the source and that each such owner and operator shall be fully bound by my representations, actions, inactions, or submissions and by any order issued to me by the Administrator regarding the source or unit.

Where there are multiple holders of a legal or equitable title to, or a leasehold interest in, a TR SO2 Group 2 unit, or where a utility or industrial customer purchases power from a TR SO2 Group 2 unit under a life-of-the-unit, firm power contractual arrangement, I certify that:

> I have given a written notice of my selection as the 'designated representative' or 'alternate designated representative', as applicable, and of the agreement by which I was selected to each owner and operator of the source and of each TR SO2 Group 2 unit at the source.
>
> TR SO2 Group 2 allowances and proceeds of transactions involving TR SO2 Group 2 allowances will be deemed to be held or distributed in proportion to each holder's legal, equitable, leasehold, or contractual reservation or entitlement, except that, if such multiple holders have expressly provided for a different distribution of TR SO2 Group 2 allowances by contract, TR SO2 Group 2 allowances and proceeds of transactions involving TR SO2 Group 2 allowances will be deemed to be held or distributed in accordance with the contract.

FERNDALE

General

I am authorized to make this submission on behalf of the owners and operators of the source or units 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.

Signature (Designated Representative)	Date 02/24/21
Signature (Alternate Designated Representative)	Date 3/1/2021

EPA Form 7610-1 (Revised 8-2011)

SECTION 7 INAPPLICABLE REQUIREMENTS

The regulations identified in the following table do not apply to the emission units identified in Section 1. Inapplicable requirements in this section are covered by the permit shield per WAC 173-401-640.

Table 7-1 Inapplicable Requirements

Citation	Title	Basis
NWCAA 520.14	Sulfur compounds in fuel	The 412 ppm or less sulfur in gaseous fuel requirement does not apply because the facility is subject to NWCAA Section 460.
NWCAA 560	Storage of Organic Liquid	True vapor pressure of oil distillate fuel < 1.5 psia
NWCAA 580 except 580.7	Volatile Organic Compound Control	No applicable sources
NSPS 40 CFR Part 60 Subpart Da	Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978	Maximum design heat input capacity of each steam generating unit at PSE Ferndale does not exceed 250 MMBtu/hr, and Subpart Da applies to units that are rated greater than 250 MMBtu/hr.
NSPS 40 CFR Part 60 Subpart Dc	Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units	Maximum design heat input capacity of each steam generating unit at PSE Ferndale is more than 100 MMBtu/hr, and Subpart Dc applies to units that are rated between 10 and 100 MMBtu/hr.
NSPS 40 CFR Part 60 Subpart K	Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After 6/11/73 and Prior to 5/19/78.	No applicable sources.
NSPS 40 CFR Part 60 Subpart Ka	Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After 5/18/78 and Prior to 7/23/84	No applicable sources.
NSPS 40 CFR Part 60 Subpart Kb	Standards of Performance for Volatile Organic Liquid Storage Vessels for Which Construction, Reconstruction, or Modification Commenced After 7/23/84 - vessel design, testing procedures, reporting and recordkeeping requirements	The facility has one organic liquid storage tank; however, because only diesel fuel is stored in this tank (maximum true vapor pressure less than 3.5 kPa), this subpart is not applicable.

Table 7-1 Inapplicable Requirements

Citation	Title	Basis
40 CFR Part 61 (all)	National Emission Standards for Hazardous Air Pollutants	No applicable sources to all subparts. Facility does not contain any asbestos building materials.
40 CFR Part 63 Subpart Q	MACT for Cooling Towers	No applicable sources under Subpart Q because PSE Ferndale has never used chromium-based water treatment chemicals in the cooling tower.
40 CFR Part 63 Subpart YYYY	MACT for Combustion Turbines	The potential-to-emit for HAPs for the site does not exceed 10 tons per year for any single HAP or 25 tons per year for combined HAPs.
40 CFR Part 64	Compliance Assurance Monitoring (CAM)	The site is exempt from 40 CFR Part 64.2 because continuous compliance monitoring of NO_X is required by this permit and no other control devices are employed.