Serving Island, San Juan, Skagit and Whatcom Counties

Air Operating Permit—Proposed 004R5

Puget Sound Energy Encogen Generating Station

Bellingham, Washington

July 16, 2026

PERMIT INFORMATION

Puget Sound Energy - Encogen Generating Station
915 Cornwall Avenue, Bellingham, WA 98225

Corporate Responsible Official
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Puget Sound Energy
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Northwest Clean Air Agency
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Mount Vernon, WA 98273-5202
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Prepared by
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Expires: August 31, 2031

Renewal Application Due: August 31, 2030

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, Puget Sound Energy – Encogen Generating Station is authorized to operate subject to the terms and conditions of this permit.

Northwest Clean Air Agency Approval:

Date:	Date:
Christos Christoforou, P.E. Engineer	Agata McIntyre, P.E. Engineering Manager

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SECTION 1 EMISSION UNIT DESCRIPTIONS

This table lists emission units and activities included in the AOP that are located at Puget Sound Energy – Encogen Generating Station, hereinafter referred to as PSE Encogen, Encogen, the facility, owner or operator, or the permittee. The information presented in Section 1 is for informational purposes only.

Table 1-1 Emission Units

Emission Units	Description	Nominal Capacity Ratings		Control
		Natural Gas	# 2 Diesel Oil	
Combustion Turbines 1, 2 and 3, each equipped with an exhaust stack	GE Frame 6 Model MS6001B combined cycle combustion gas turbine generator systems and associated heat recovery steam generators	41.5 MWe each 440 MMBtu/hr heat input per turbine	39.9 MWe each 470 MMBtu/hr heat input per turbine	SO_2: Combustion of natural gas or diesel fuel having a sulfur content of less than 0.05% by weight NO_X: Steam injection and selective catalytic reduction with ammonia injection Particulate matter, fine particulate matter (PM_{10}), hydrocarbons, and CO: Good combustion practices
Aboveground distillate fuel oil storage Tanks B and C (Tank A out of service)			Each tank has a nominal storage capacity of 470,000 gallons	Fixed roof tanks shall store only low vapor pressure distillate fuel

SECTION 2 STANDARD TERMS AND CONDITIONS

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

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

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

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

2.1. Compliance Requirements

2.1.1. Duty to Comply

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

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

2.1.1.2. *State Only: NWCAA 322.3 (7/10/2025)*

It shall be unlawful for any person to cause or allow the operation of any source subject to the requirements of chapter 173-401 WAC without complying with the provisions of chapter 173-401 WAC and any permit issued under its authority.

2.1.2. Civil and Criminal Penalties

2.1.2.1. *State Only: WAC 173-400-230(2), -240 (3/15/2025), NWCAA Section 131, 132, & 133 (7/10/2025), and Section 113 of the FCAA*

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

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

At least 30 days prior to commencement of any formal enforcement action under RCW 70A.15.3150, RCW 70A.15.3160, or NWCAA Sections 132 or 133, the NWCAA shall serve written notice of violation (NOV) to the alleged violator. The notice shall specify the provisions, orders, rules, or regulations alleged to be violated, and the facts alleged to constitute a violation thereof. The notice may also include an order pursuant to NWCAA Section 121 directing that necessary corrective action be taken within a reasonable time, or the NWCAA may require the alleged violator appear before the Pollution Control Hearings Board (PCHB) for a hearing pursuant to NWCAA Section 120. The notice shall offer the opportunity to meet with the NWCAA prior to commencement of enforcement action.

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

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

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

2.1.3. Need to Halt or Reduce Activity Not a Defense

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

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

2.1.4. Duty to Provide Information

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

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

2.1.5. Confidential Information

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

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

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

2.1.6. Inspection and Entry

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

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

(i) Enter upon the permittee's premises where a Chapter 401 source is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;

(ii) Have access to and copy, at reasonable times, any records that must be kept under the condition of the permit;

(iii) Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and

(iv) Sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

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

2.1.7. Investigation and Studies

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

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

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

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

2.1.8. Source Testing

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

To demonstrate compliance, NWCAA may conduct or require that a test be conducted of the source using approved EPA methods which are adopted by reference or approved procedures published by Ecology. The operator of a source may be required to provide the necessary platform and sampling ports to perform a test of an emissions unit. NWCAA shall be allowed to obtain a sample from any emissions unit. The operator of the source shall be given an opportunity to observe the sampling and to obtain a sample at the same time.

2.1.8.2. *State Only: WAC 173-400-105(4) (3/15/2025)*

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

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

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

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

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

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

2.1.9. Testing and Sampling

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

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

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

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

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

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

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

2.1.10. Ambient Air and Continuous Emission Monitoring

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

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

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

All monitoring data shall be submitted in a form which the Board or Control Officer may require. Averaging time and collection periods will be determined by the Control Officer. Failure to record and/or report data as specified may be cause for a NOV to be issued.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2.1.11. Credible Evidence

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

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

2.2. Permit Terms

2.2.1. Permit Expiration and Renewal

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

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

2.2.2. Permit Actions

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

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

2.2.3. Emissions Trading

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

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

2.2.4. Emission Reduction Credits

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

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

2.2.5. Severability

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

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

2.2.6. Permit Appeals

WAC 173-401-620(2)(i) and WAC 173-401-735 (3/15/2025)

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

2.2.7. Permit Continuation

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

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

2.2.8. Reopening for Cause

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

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

(i) Additional requirements become applicable to the source with a remaining permit term of three or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions have been extended pursuant to WAC 173-401-620(2)(j),

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

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

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

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

WAC 173-401-722 and WAC 173-401-724 (3/15/2025)

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

2.2.10. Permit Modifications

WAC 173-401-720 (3/15/2025) and WAC 173-401-725 (11/4/1993)

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

2.2.11. Property Rights

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

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

2.2.12. Definitions

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

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

2.2.13. Compliance Schedule

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

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

2.2.14. Permit Fees

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

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

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

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

2.2.15. Transfer or Permanent Shutdown

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

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

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

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

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

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

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

2.3. Permit Shield

2.3.1. Shield Requirement

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

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

2.3.2. Inapplicable Requirements

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

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

2.3.3. Exclusions

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

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

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

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

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

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

2.3.4. Reasonably Available Control Technology

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

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

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

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

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

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

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

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

2.4. Recordkeeping and Reporting

2.4.1. Compliance Certification

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

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

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

(ii) Compliance status,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2.4.3. Required Recordkeeping

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

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

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

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

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

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

Records of all required monitoring data and support information shall be retained for a period of five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit.

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

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

2.4.4. Pollutant Disclosure - Reporting by Air Contaminant Sources

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

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

(i) The nature of the enterprise,

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

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

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

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

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

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

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

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

In addition to the requirements of **Error! Reference source not found.**, every person operating a registered air contaminant source or a Chapter 401 source, as defined in WAC 173-401-200, which includes portable sources, shall file annually and on forms furnished by the NWCAA a report including the estimated calendar year emissions which may include each criteria air pollutant, hazardous air pollutant, toxic air pollutant, and volatile organic compounds. Every person filing an annual emissions inventory shall retain at the facility the calculations, associated production data, and emission factors used to obtain the estimates.

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

2.4.5. Greenhouse Gas (GHG) Reporting

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

GHG reporting is mandatory for:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(iv) ghgreporting@ecy.wa.gov

2.4.6. Reporting to Verify Emissions from Potential PSD Sources

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

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

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

2.4.7. Reporting of Deviations from Permit Conditions

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

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

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

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

2.4.8. Report of Breakdown and Upset

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

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

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

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

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

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

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

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

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

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

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

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

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

2.4.9. Report of Shutdown or Startup

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

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

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

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

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

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

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

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

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

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

2.4.10. Operation and Maintenance

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

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

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

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

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

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

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

2.5. Excess Emissions

2.5.1. Excess Emissions

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

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

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

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

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

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

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

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

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

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

The permittee shall:

(i) Notify the permitting authority. When excess emissions represent a potential threat to human health or safety, the owner or operator must notify the permitting authority by phone or electronic means as soon as possible, but not later than 12 hours after the excess emissions were discovered. For all other excess emissions, the owner or operator must notify the permitting authority in a report as provided in subsection (ii) of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2.6. Duty to Supplement or Correct Information

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

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

2.7. Prohibitions

2.7.1. Concealment and Masking

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

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

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

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

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

2.7.2. Adjustment for Atmospheric Conditions

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

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

2.7.3. Outdoor Burning

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

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

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

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

2.7.4. Asbestos

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

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

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

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

2.7.5. Stratospheric Ozone and Climate Protection

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

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

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

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

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

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

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

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

2.7.7. Obstruction of Access

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

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

2.7.8. False Statement, Representation or Certification

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

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

2.7.9. Inaccurate Monitoring

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

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

2.7.10. Prevention of Accidental Release

40 CFR 68 (12/3/2018)

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

2.7.11. Cutback Asphalt Paving

NWCAA 580.7 (4/14/1993)

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

2.7.12. Creditable Stack Height and Dispersion Techniques

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

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

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

2.8.1. Minor New Source Review (NSR)

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

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

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

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

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

2.8.2. Nonroad Engines

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

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

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

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

2.8.3. General Order

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

Any orders issued by NWCAA are subject to appeal.

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

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

2.8.4. Requirements to Comply

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

It shall be unlawful for an owner or operator of a source or emission unit to not abide by the operating and reporting conditions in the OAC.

2.8.5. Prevention of Significant Deterioration (PSD)

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

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

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

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

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

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

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

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

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

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

2.9. Greenhouse Gas Regulation

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

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

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

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

SECTION 3 STANDARD TERMS AND CONDITIONS FOR NSPS AND NESHAP

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

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

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

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

3.1. Part 60 – New Source Performance Standard Requirements

3.1.1. Address for Reports, Notifications, and Submittals

40 CFR 60.334(k) (1/15/26) and 40 CFR 60.4(a) and (b) (4/25/1975) (as amended by Delegation Letter dated 1/7/2025 from Krishna Viswanathan, Director of the Office of Air and Radiation, EPA Region 10 to Mark Buford, Director of NWCAA)

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

Preferred: Via email at facilityreports@nwcleanairwa.gov

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

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

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

For notifications, reports, and applications not required to be sent via CEDRI, the following alternative address may be used:

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

3.1.2. Notification

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

Furnish written notification to NWCAA of the following:

(i) The date construction (or reconstruction as defined by 40 CFR 60.15) of an affected facility commenced, postmarked within 30 days after such date.

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

(iii) Any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies, unless that change is specifically exempted, postmarked 60 days or as soon as practicable before the change is commenced. Include information describing the precise nature of the change, present and proposed emission control systems, productive capacity of the facility before and after the change, and the expected completion date of the change.

(iv) The date upon which demonstration of the continuous monitoring system performance commences in accordance with 40 CFR 60.13(c), postmarked at least 30 days prior to such date.

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

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

3.1.3. Startup, Shutdown, and Malfunction Records

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

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

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

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

3.1.4. Excess Emission Records

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

If a continuous monitoring device is required, submit an excess emissions and monitoring systems performance report (as defined in applicable subparts) and/or a summary report form to the Administrator semiannually, except when: more frequent reporting is specifically required in any subpart; or the Administrator determines that more frequent reporting is necessary. Postmark all reports by the 30th day following the end of each six-month period. Include the information in 40 CFR 60.7(c)(1)-(4) in the excess emissions report. Include the information in 60.7(d)(1)-(2) and 60.7(d) Figure 1 in the summary report.

3.1.5. Maintenance of Records

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

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

Note: Under AOP Term 2.4.3, records of required monitoring data and support information shall be retained for a period of five years from the date of the monitoring sample, measurement, report, or application.

3.1.6. Performance Tests

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

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

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

Provide performance testing facilities as follows:

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

(ii) Safe sampling platform(s),

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

(iv) Utilities for sampling and testing equipment.

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

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

3.1.7. Test Method Performance Audit

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

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

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

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

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

3.1.8. Compliance with Opacity Standards

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

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

3.1.9. Operation and Maintenance

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

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

3.1.10. Credible Evidence

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

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

3.1.11. Circumvention

40 CFR 60.12 (3/8/1974)

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

3.1.12. Monitoring Requirements for Continuous Monitoring Systems

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

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

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

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

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

Except for system breakdowns, repairs, calibration checks, and zero and span adjustments required, continuously operate all continuous monitoring systems for measuring emissions. For CEMS, complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period. For COMS, complete a minimum of one cycle of sampling and analyzing for each successive 10-second period and one cycle of data recording for each successive six-minute period.

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

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

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

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

Written application for a monitoring alternative considered a 'major change to monitoring' as defined in 40 CFR 63.90 must be submitted to the EPA. Written application for a minor change to monitoring may be submitted to the Administrator. An alternative to the relative accuracy (RA) test specified in PS 2 of 40 CFR 60 Appendix B may be requested from the Administrator as detailed in 60.13(j)(1). The Administrator may rescind the RA alternative according to 60.13(j)(2).

3.1.13. Modification

40 CFR 60.14 (10/17/2000)

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 4 GENERALLY APPLICABLE REQUIREMENTS

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

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

The requirements in the MR&R column labeled as *"Directly Enforceable - gapfill"* are legally enforceable requirements added under the NWCAA's "gap-filling" authority (WAC 173-401-615(1)(b) & (c), (10/17/2002)). Those labeled as *"Directly Enforceable – sufficiency"* are legally enforceable requirements added under the the NWCAA's "sufficiency monitoring" authority (WAC 173-401-630(1), (3/5/2016)). 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	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, & Reporting Requirements
4.1 General	WAC 173-401-615(3) (10/17/2002) WAC 173-401-630(1) (3/5/2016) WAC 173-401-520 (11/4/1993) 40 CFR 60 Subpart A 60.19(c) (2/12/1999) WAC 173-401-615(1)(b) & (c) (10/17/2002)	<u>Required Monitoring Reports</u> Submit reports of any required monitoring to the NWCAA at least once every six months. All instances of deviations from permit requirements must be clearly identified in such reports.	*Directly Enforceable - gapfill:* 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 All required reports must be certified by a responsible official consistent with WAC 173-401-520. If the report submittal deadline falls on a weekend, then the deadline to submit shall be the next business day.
4.2 General	NWCAA Section 342 (9/8/1993) (7/10/2025 State Only) WAC 173-401-615(1)(b) & (c) (10/17/2002)	<u>Operation and Maintenance</u> 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 - Gapfill:* Monitor, keep records and report in accordance with the terms of this permit.

<table>
<tr><th>Permit Term</th><th>Regulatory Citation</th><th>Regulatory Description</th><th>Monitoring, Recordkeeping, & Reporting Requirements</th></tr>
<tr><td>4.3
Nuisance</td><td>NWCAA Section 530
(7/10/2025 State Only)
WAC 173-401-615(1)(b) & (c)
(10/17/2002)</td><td><u>General Nuisance</u>
No person shall discharge from any source quantities of air contaminants, with the exception of odors, in sufficient amounts and of such characteristics and duration as is likely to be injurious or cause damage to human health, plant or animal life, or property; or which unreasonably interferes with enjoyment of life and property.
An air contaminant is defined as “dust, fumes, mist, smoke, other particulate matter, vapor gas, odorous substance, or any combination thereof.</td><td rowspan="3">Directly Enforceable - gapfill:
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.</td></tr>
<tr><td>4.4
Nuisance</td><td>WAC 173-400-040(5)
(9/20/1993)
WAC 173-400-040(6)
(3/15/2025 State Only)
WAC 173-401-615(1)(b) & (c)
(10/17/2002)</td><td><u>Emission Detrimental to Persons or Property</u>
No person shall cause or allow the emission of any air contaminant from any source if it is detrimental to the health, safety, or welfare of any person, or causes damage to property or business.</td></tr>
<tr><td>4.5
Odor</td><td>NWCAA Section 535
(7/10/2025 State Only)
WAC 173-401-615(1)(b) & (c)
(10/17/2002)</td><td><u>Odor Control Measures</u>
Appropriate practices and control equipment shall be installed and operated to reduce odor-bearing gases emitted into the atmosphere to a reasonable minimum.
Any person who shall cause the generation of any odor from any source which may reasonably interfere with any other property owner’s use and enjoyment of their property must use recognized best practices and control equipment to reduce these odors to a reasonable minimum.
No person shall cause or permit the emission of any odorous air contaminant from any source if it is detrimental to the health, safety, or welfare of any person, or causes damage to property or business.</td></tr>
</table>

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, & Reporting Requirements
4.6 Odor	WAC 173-400-040(5) (3/15/2025 State Only) WAC 173-401-615(1)(b) & (c) (10/17/2002)	Odors Source may not generate odors which may unreasonably interfere with property use and must use recognized good practice and procedures to reduce odors to reasonable minimum.	*Directly Enforceable - Gapfill:* 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 (7/10/2025 State Only) WAC 173-401-615(1)(b) & (c) (10/17/2002)	Preventing Particulate Matter from Becoming Airborne The owner or operator of a source or activity that generates fugitive dust, including, but not limited to, material handling, building construction or demolition, abrasive blasting, roadways, and lots, shall employ reasonable precautions to prevent fugitive dust from becoming airborne and must maintain and operate the source or activity to minimize emissions. It shall be unlawful for any person to cause or allow the emission of particulate matter which becomes deposited upon the property of others in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property.	
4.9 PM	WAC 173-400-040(3) (3/15/2025 State Only) WAC 173-401-615(1)(b) & (c) (10/17/2002)	Fallout Source may not generate the emission of particulate matter to be deposited beyond the property line in sufficient quantity to interfere unreasonably with the use and enjoyment of the property upon which the material is deposited.	

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, & Reporting Requirements
4.10 PM	WAC 173-400-040(3)(a) (9/20/1993) WAC 173-400-040(4) (3/15/2025 State Only) WAC 173-401-615(1)(b) & (c) (10/17/2002)	Fugitive Emissions Take reasonable precautions to prevent the release of air contaminants from an emissions unit engaging in materials handling, construction, demolition, or other operation which is a source of fugitive emissions. If the emissions unit has been identified as a significant contributor to the nonattainment status of a designated nonattainment area, the owner or operator shall be required to use reasonable and available control methods, which shall include any necessary changes in technology, process, or other control strategies to control emissions of the air contaminants for which nonattainment has been designated.	*Directly Enforceable - Gapfill:* Follow MR&R under AOP Term 4.3.
4.11 PM	WAC 173-400-040(8)(a) (9/20/1993) WAC 173-400-040(9) (3/15/2025 State Only) WAC 173-401-615(1)(b) & (c) (10/17/2002)	Fugitive Dust Reasonable precautions to prevent release of fugitive dust required. Maintain and operate source to minimize emissions. The owner or operator of any existing source or activity that generates fugitive dust that has been identified as a significant contributor to a PM_{10} or $PM_{2.5}$ nonattainment area is required to use reasonably available control technology to control emissions. Significance will be determined by the criteria found in WAC 173-400-113(4) (3/15/2025 State Only).	

<table>
<tr><th>Permit Term</th><th>Regulatory Citation</th><th>Regulatory Description</th><th>Monitoring, Recordkeeping, & Reporting Requirements</th></tr>
<tr><td>4.12
VE</td><td>NWCAA 451.1
(10/13/1994)
WAC 173-401-615(1)(b) & (c)
(10/17/2002)</td><td><u>Emission of Air Contaminant - Visual Standard</u>
No person shall cause or permit the emission, for any period aggregating more than three minutes in any one hour, of an air contaminant from any source which, at the point at emission, or within a reasonable distance of the point of emission, exceeds 20 percent opacity except: When there is valid data to show that the opacity is in excess of 20 percent 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.</td><td rowspan="2">Directly Enforceable - Gapfill:
At least once during each calendar month that an emission unit operates, conduct qualitative visual observations on each stack while operating to determine whether there are visible emissions (VE).
If, at any time, visible emissions are observed, take one or more of the following actions within 24 hours or it will be considered prima facie evidence that all applicable opacity limits have been exceeded.
• Complete action that returns visible emissions to a non-visible level.
• Shutdown the unit until appropriate corrective action can be taken.</td></tr>
<tr><td>4.13</td><td>NWCAA 451.1
(7/10/2025 State Only)
WAC 173-401-615(1)(b) & (c)
(10/17/2002)</td><td><u>Emission of Air Contaminant - Visual Standard</u>
No person shall cause or permit the emission, for any period aggregating more than three minutes in any one hour, of an air contaminant from any source which, at the point at emission, or within a reasonable distance of the point of emission, exceeds 20 percent opacity except: When there is valid data to show that the opacity is in excess of 20 percent 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.</td></tr>
</table>

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, & Reporting Requirements
4.14 VE	WAC 173-400-040(1) (9/20/1993) WAC 173-400-040(2) (3/15/2025 State Only) WAC 173-401-615(1)(b) & (c) (10/17/2002)	<u>Visible Emissions</u> No person shall cause or allow the emission for more than three minutes, in any one hour, of an air contaminant from any emissions unit which at the emission point, or within a reasonable distance of the emission point, exceeds 20 percent opacity (Ecology Method 9A) except: When the owner or operator of a source supplies valid data to show that the presence of uncombined water is the only reason for the opacity to exceed twenty percent.	• Observe and record VE using a certified observer in accordance with EPA Method 9 (six consecutive minutes). If any single reading is greater than an applicable numerical opacity limit, the certified observer shall determine opacity in accordance with the appropriate method for each opacity limit applicable to that emission unit. A certified observer shall determine opacity on a daily basis according to each applicable opacity limit until visible emissions are determined to be in compliance with each opacity limit. For each qualitative VE observation, record the date and time of the observation, emission unit(s) observed, and name of observer. For stacks with visible emissions, record any related equipment or operational failure, failure dates and times, duration of visible emissions, and corrective actions taken. The periodic VE observation frequency may be reduced from monthly to quarterly if no visible emissions are observed for six consecutive months. If visible emissions are observed, the observation frequency shall revert back to monthly. Compliance with this MR&R does not excuse an exceedance of the underlying opacity standard.
4.15 PM	NWCAA 455.1 (4/14/1993) (7/10/2025 State Only) WAC 173-401-630(1) (3/5/2016) NWCAA 455.11 (4/14/93)	<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 seven percent oxygen) 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 seven percent oxygen.	*Directly Enforceable - Gapfill:* Follow MR&R under AOP Term 4.12.

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, & Reporting Requirements
4.16 PM	WAC 173-400-060 (11/25/2018) (3/15/25 State Only) WAC 173-401-615(1)(b) & (c) (10/17/2002)	<u>Emission Standards for General Process Units</u> Particulate emissions greater than 0.1 grain/dscf prohibited.	
4.17 PM	WAC 173-400-050(1) and (3) (9/16/2018) (3/15/2025 State Only) WAC 173-401-615(1)(b) & (c) (10/17/2002)	<u>Emission Standards for Combustion and Incineration Units</u> Particulate emissions from combustion units greater than 0.1 grains/dscf corrected to seven percent oxygen prohibited.	*Directly Enforceable - Gapfill:* 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)	<u>Weight/Heat Rate Standard – Emission of Sulfur Compounds</u> 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 - Gapfill:* Maintain records of facility calendar monthly average SO_2 lb/MMBtu, including records of type, quantity, and sulfur content of all fuel combusted, onsite and available for review. Records shall be made available for inspection upon request.

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, & Reporting Requirements
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 seven percent 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 - Gapfill:* Maintain records of type, quantity, and sulfur content of all fuel combusted onsite and available for review. Records shall be made available for inspection upon request.
4.20	NWCAA Section 462 (7/10/2025 State Only) WAC 173-401-615(1)(b) & (c) (10/17/2002)	<u>Emission of Sulfur Compounds</u> Sulfur compounds emissions, calculated as SO_2, shall not exceed 1,000 ppmvd at seven percent 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 (9/20/1993) 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 seven percent oxygen for combustion sources, based on the average of any 60 consecutive minute period.	

<table>
<tr><th>Permit Term</th><th>Regulatory Citation</th><th>Regulatory Description</th><th>Monitoring, Recordkeeping, & Reporting Requirements</th></tr>
<tr><td>4.22
SO_2</td><td>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)</td><td><u>Sulfur Compounds in Fuel</u>
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 weight percent
• #2 distillate – 0.5 weight percent
• Other fuel oils – 2.0 weight percent
• Solid fuels – 2.0 weight percent</td><td rowspan="2">Directly Enforceable - Gapfill:
Retain fuel specifications and purchase records verifying that fuel combusted has a sulfur content below the allowable limits. Fuel testing for sulfur content shall be conducted in accordance with ASTM D-4294 (Industrial and Marine Fuel Oils), ASTM D-2622 (Distillate Fuel Oil) or ASTM D-5453 (liquid fuels).</td></tr>
<tr><td>4.23
SO_2</td><td>NWCAA 520.1, 520.11, 520.12, 520.13, 520.15, 520.2
(7/10/2025 State Only)
WAC 173-401-615(1)(b) & (c)
(10/17/2002)</td><td><u>Sulfur Compounds in Fuel</u>
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 weight percent
• #2 distillate – 0.5 weight percent
• Other fuel oils – 2.0 weight percent
• Solid fuels – 2.0 weight percent
Ocean-going vessels are exempt.</td></tr>
</table>

SECTION 5 SPECIFICALLY APPLICABLE REQUIREMENTS

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

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

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

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

Table 5-1 Specifically Applicable Requirements – Combustion Turbines 1, 2, and 3

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.1.1 General	PSD 91-02 Amendment 4 Condition 9 (1/5/21) WAC 173-401-615(1)(b) & (c), (10/17/02)	Sampling ports and platforms shall be provided for each affected source, after the final pollution control device. The ports shall meet the requirements of 40 CFR Part 60, Appendix A, Method 20. Adequate permanent and safe access to the test ports shall be provided.	*Directly Enforceable - Gapfill:* Inspect and repair sampling ports and platforms as necessary.
5.1.2 General	PSD 91-02 Amendment 4 Condition 11 (1/5/21)	Monthly reports shall include: (A) Quantity of fuel oil burned for testing, total quantity of oil burned and sulfur content of oil purchased since the last report; (B) For each stack, the daily average ppmvd NO_X corrected to 15% oxygen; (C) Total plant lb/day NO_X and 12-month rolling tons; (D) The duration and nature of any monitor down-time excluding zero and span checks; (E) Results of any monitor audits or accuracy checks; (F) Results of any stack tests.	Submit written monthly report to NWCAA within thirty days of the end of the reporting month. Records shall be maintained on site for at least five years.

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.1.3 General	NWCAA OAC 400f Condition 6 (10/7/20)	Monthly reports shall include: (A) Total MMBtu of natural gas burned in the turbines; (B) Number of hours each turbine operated; (C) Total pounds of SO_2 emitted on a monthly basis.	
5.1.4 General	PSD 91-02 Amendment 4 Condition 12 (1/5/21)	Each excess emissions report shall include the following: (A) The time of the occurrence (B) Magnitude of the emission or process parameters excess (C) The duration of the excess. (D) The probable cause. (E) Corrective actions taken or planned (F) Any other agency contacted besides NWCAA.	Report each occurrence of monitored emissions in excess of the standards. Maintain a record of all measured excess emissions. Excess emissions are required to be reported within 12 hours in accordance with Permit Terms 2.4.7 and 2.4.8. Submit details of excess emissions in monthly report.
5.1.5 General	PSD 91-02 Amendment 4 Condition 13 (1/5/21)	Operation and maintenance manuals must be developed and followed. Copies of O&M manuals shall be available to Ecology/NWCAA. Emissions that result from a failure to follow the requirements of the manuals may be considered proof that the equipment was not properly operated and maintained.	Keep O&M manuals readily available for use by operations personnel and for inspection by Ecology/NWCAA.
5.1.6 General	PSD 91-02 Amendment 4 Condition 14 (1/5/21)	Operation of the emitting equipment must be conducted in compliance with all data and specifications submitted as part of the PSD application unless otherwise approved by Ecology.	Operate and maintain equipment in accordance with O&M manuals.

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.1.7 General	PSD 91-02 Amendment 4 Condition 15 (1/5/21)	Activity inconsistent with the facility PSD permit, intended operation or approved conditions are subject to enforcement.	Operate and maintain equipment in accordance with O&M manuals.
5.1.8 General	PSD 91-02 Amendment 4 Condition 16 (1/5/21)	Access to source must be provided.	Provide access to the source by the EPA, Ecology, or NWCAA upon request for the purpose of compliance assurance inspections.
5.1.9 Opacity	NWCAA OAC 400f Condition 2(D) (10/7/20) WAC 173-401-615(1)(b) & (c), (10/17/02)	Opacity from each exhaust stack shall not exceed 5% as measured by EPA Method 9.	*Directly Enforceable - Gapfill:* Follow the MR&R of Permit Term 4.12.
5.1.10 PM_{10}	PSD 91-02 Amendment 4 Condition 8 (1/5/21) WAC 173-401-615(1)(b) & (c), (10/17/02)	PM_{10} emissions from each exhaust stack shall not exceed 60 lb/day when the unit is fired on natural gas or 408 lb/day when fired on fuel oil. Total plant PM_{10} emissions shall not exceed 180 lb/day when fired on natural gas or 1,224 lb/day when fired on fuel oil.	*Directly Enforceable - Gapfill:* Follow the MR&R of Permit Term 4.12.

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.1.11 NOx	NWCAA OAC 400f Conditions 2(A) and 3(A) (10/7/20) PSD 91-02 Amendment 4 Conditions 2, 3, 4 and 5 (1/5/21)	NO_X emissions from each exhaust stack is limited to 7.0 ppmvd corrected to 15% oxygen, daily average when fired on natural gas and 11.0 ppmvd corrected to 15% oxygen, daily average when fired on fuel oil. The emission limits in this condition do not apply during startup and shutdown events. Total NO_X emissions from the plant shall not exceed 1,000 lb/day when fired on natural gas and 1,605 lb/day when fired on fuel oil. NO_X emissions from the plant shall not exceed 175 tons for any consecutive 12-month period.	Operate CEMs in accordance with 40 CFR 60 Appendices B and F, NWCAA Section 367 and Appendix A, and 40 CFR 75. Startup is defined as the period beginning with ignition and ending 20 minutes following the first minute where the NOx emissions are 7.0 ppmvd corrected to 15 percent oxygen or less. Shutdown is defined as a 30-minute period beginning with the lowering of equipment from normal operating load and lasting until fuel flow is completely off and combustion has ceased. The duration of cold start-ups shall not exceed 270 minutes, warm start-ups shall not exceed 180 minutes, and hot start-ups shall not exceed 90 minutes per occurrence. Duration of shutdowns shall not exceed 30 minutes per occurrence. Cold start-up means a start-up when the combustion turbine has not been in operation during the preceding eight hours. Hot start-up means a start-up when the combustion turbine has been in operation during the preceding one hour. Warm start-up means a start-up that is not a hot or cold start-up. Record the time, date, and duration of each start-up and shutdown event.
5.1.12 NOx	NWCAA OAC 400f Condition 4 (10/7/20) PSD 91-02 Amendment 4, Condition 10 (1/5/21) WAC 173-401-615(1)(b) & (c), (10/17/02)	Continuous emissions monitors (CEM) for NO_X and O_2 shall be installed and operated for each stack.	

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.1.13 NO_x	40 CFR 60.332 (a)(1) and (b) (1/15/26) and 60.334 (b) and (j)(1)(iii) (1/15/25) WAC 173-401-615(1)(b) & (c), (10/17/02)	<u>NSPS Subpart GG – Standard for Nitrogen Oxides</u> NO_X emissions shall not exceed 96 ppmvd (75 ppmvd plus allowed heat rate correction and zero fuel-bound nitrogen) corrected to 15% oxygen, four-hour rolling average, during any unit operating hour.	*Directly Enforceable - Gapfill:* Daily and 12-month rolling total plant NO_x mass emissions calculations must include emissions generated during startup and shutdown conditions. The daily NO_X limit shall be prorated (weighted average basis) on the number of hours that each fuel was combusted. For hourly periods during which both fuels are burned, the NO_X limit for purposes of calculating the 24-hour daily limit shall be 11.0 ppmvd corrected to 15% oxygen.
5.1.14 NO_x	NWCAA OAC 400f Condition 4 (10/7/20)	CEMS QA manual shall be kept current and available at all times. Quality assurance procedures shall be in accordance with 40 CFR 60 Appendices B and F and NWCAA Section 367 and Appendix A.	Keep the CEMS QA manual readily available for use by operations personnel and for inspection by Ecology/NWCAA.
5.1.15 NH_3	NWCAA OAC 400f Conditions 2(C), 3(C), and 5(B) (10/7/20)	Ammonia (NH_3) emissions from each exhaust stack shall not exceed 10.0 ppmvd corrected to 15% oxygen, one-hour average. Total NH_3 emissions from the plant shall not exceed 437 lb/day.	Conduct annual source test using Bay Area Air Quality Management District Source Test Procedure ST-1B, "Ammonia, Integrated Sampling" (BAAQMD Method ST-1B), or an equivalent method approved in advance by the NWCAA. Source test samples must be unfiltered as taken from each stack. Fuel consumption, nitrogen oxides emissions, and ammonia injection rate during each emission test shall be reported with the test results. Testing shall be conducted while burning natural gas and shall be completed within eleven to thirteen months of the anniversary date of the previous test. All source testing shall be conducted, and plans and test results submitted, in accordance with NWCAA Section 367 and Appendix A.

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.1.16 SO_2	PSD 91-02 Amendment 4, Condition 6 (1/5/21)	SO_2 emissions from each exhaust stack of the CCCT shall not exceed 9.0 ppmvd corrected to 15 percent oxygen on a daily average when the unit is fired on oil. SO_2 emissions from the three CCCTs combined shall not exceed 658 pounds per day when fired on oil.	EPA Reference Method 6 shall determine compliance, or an equivalent method approved in advance by Ecology. Upon request from NWCAA PSE shall provide data demonstrating compliance for this condition for any period(s) that the combustion turbine/heat recovery steam generator trains are fueled by oil. Such data shall be in a format agreed to in advance by NWCAA. The data shall include at a minimum: (A) Copies of receipts from the oil supplier showing the sulfur content of the oil or, if blended, the laboratory analysis report(s) from sampling of the tank(s). (B) The quantity of oil fired per day. (C) Calculations showing the maximum SO_2 concentration and emission rates in units of the emission limitations in this condition.

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.1.17 SO_2	40 CFR 60.333 and 60.331(u) (1/15/26) 60.334(h)(1), (h)(3), (i)(1), (j)(2) (2/24/06), and 60.335(b)(10) (1/15/26)	NSPS Subpart GG - Fuel Bound Sulfur Sulfur content of fuels limited to 0.8 wt% or stack SO_2 emissions not to exceed 150 ppmvd corrected to 15% oxygen.	Burn only natural gas or, during natural gas curtailment, low-sulfur diesel with a sulfur content of not more than 0.05 wt% according to Permit Term 5.1.18. 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 and of calculations showing the maximum SO_2 concentration and emission rates in units of the emission limits. 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 may include frequencies in 40 CFR Part 75 Appendix D (e.g. sampling from the storage tank, sampling each delivery prior to adding it to the storage tank).

Permit Term	Regulatory Citation	Regulatory Description	Monitoring, Recordkeeping, and Reporting Requirements
5.1.18 SO_2	NWCAA OAC 400f Condition 1 (10/7/20) PSD 91-02 Amendment 4, Condition 1 (1/5/21) WAC 173-401-615(1)(b) & (c), (10/17/02)	Burn only natural gas as defined in 40 CFR 60.331(u) or, during natural gas curtailment, low-sulfur diesel with a sulfur content of not more than 0.05 wt%. Use must not exceed 300,000 gallons per calendar year for testing or 10,600,000 gallons per calendar year for testing and operation. *Period of natural gas curtailment or supply interruption* means a period of time during which the supply of natural gas to an affected facility is halted for reasons beyond the control of the facility. An increase in the cost or unit price of natural gas does not constitute a period of natural gas curtailment or supply interruption. (Reference: 40 CFR 63.7575)	Keep receipts showing the type and quantity of all fuel oil received and its sulfur content according to Permit Term 5.1.16. Keep records of the amount of fuel oil burned daily in each turbine according to Permit Term 5.1.17. Submit monthly written report to NWCAA which includes the gallons of fuel oil burned and its sulfur content according to Permit Term 5.1.2. Records of fuel use and sulfur content shall be maintained on site for at least five years according to Permit Term 2.4.3. *Directly Enforceable - Gapfill:* 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 other source.
5.1.19 CO	NWCAA OAC 400f Conditions 2(B), 3(B) and 5 (10/7/20) PSD 91-02 Amendment 4, Condition 7 (1/5/21)	CO emissions from each exhaust stack is limited to 10.0 ppmdv corrected to 15% oxygen, one hour average. Total CO emissions from the plant shall not exceed 718 lb/day.	Conduct an annual source test for CO according to EPA Method 10. Testing shall be conducted while burning natural gas and shall be completed within eleven to thirteen months of the anniversary date of the previous test. After three consecutive years of CO source test results compliant with the applicable emission limit, CO testing frequency may be reduced to once every three years. Encogen shall revert back to annual CO source testing for all turbines if any results are not compliant with the applicable emission limits. All source testing shall be conducted, and plans and test results submitted, in accordance with NWCAA Section 367 and Appendix A.

Table 5-2 Specifically Applicable Requirements – Distillate Fuel Storage Tanks A, B, and C

<table>
<tr><th>Permit Term</th><th>Regulatory Citation</th><th>Regulatory Description</th><th>Monitoring, Recordkeeping, and Reporting Requirements</th></tr>
<tr><td>5.2.1
VOC</td><td>NWCAA OAC 428b Condition 2 (5/1/95)
WAC 173-401-615(1)(b) & (c), (10/17/02)</td><td>Exterior color of the tanks shall be no darker than light gray.</td><td>Directly Enforceable - Gapfill:
Conduct an annual visual verification to assure that each tank exterior is no darker than light gray in color.</td></tr>
<tr><td>5.2.2
VOC</td><td>NWCAA OAC 428b Condition 3 (5/1/95)
WAC 173-401-615(1)(b) & (c), (10/17/02)</td><td>Only diesel fuel may be stored in the tanks.</td><td rowspan="2">Directly Enforceable - Gapfill:
Keep records onsite that include the type of fuel stored, periods of storage, vapor pressure of stored product(s) and the date and number of gallons of each product transferred into each tank.</td></tr>
<tr><td>5.2.3
VOC</td><td>NWCAA OAC 428b Condition 4 (5/1/95)
WAC 173-401-615(1)(b) & (c), (10/17/02)</td><td>True vapor pressure of product stored shall not exceed 5.2 kPa (0.75 psia).</td></tr>
</table>

SECTION 6 ACID RAIN PERMIT FOR COMBUSTION TURBINES 1, 2, AND 3

Issued to:	PSE Encogen Generating Station
Operated by:	Puget Sound Energy
Address:	915 Cornwall Avenue, Bellingham, WA 98225
Affected unit(s) at source:	Turbines (Units 1, 2, and 3)
Effective:	This Acid Rain Permit, as part of the PSE Encogen 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 PSE Encogen Generating Station became subject to the Acid Rain Regulations when a major interest in the facility was purchased by Puget Sound Energy (a public utility) in November 1999. Previously, PSE Encogen Northwest, LP 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.

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.

Facility (Source) Name	State	Plant Code
Encogen Generating Station	Washington	7870

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)
CT1	Yes
CT2	Yes
CT3	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes

EPA Form 7610-16 (Revised 8-2019)

Encogen 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 source shall:
- (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.

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

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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.

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

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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.

Name Mark Carlson	
Signature	Date 08/18/25

EPA Form 7610-16 (Revised 8-2019)