

# Air Operating Permit—Final

## **Puget Sound Energy, Encogen Generating Station**

Bellingham, Washington

**August 4, 2011**



*Serving Island, Skagit & Whatcom Counties*

## PERMIT INFORMATION

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

**SIC: 4911**

**NAICS: 221**

**EPA AFS: 53-073-00032**

**NWCAA ID: 1638-V-W**

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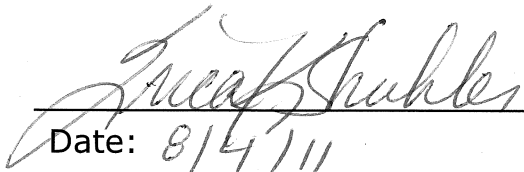
<b>Air Operating Permit Number:</b>	<b>Issuance Date:</b>
004R2	August 4, 2011
<b>Permit Modifications:</b>	<b>Modification Date:</b>
<b>Supersedes Permit Number:</b>	<b>Expiration Date:</b>
004R1	August 4, 2016
<b>Application Received Date:</b>	<b>Renewal Application Due:</b>
May 29, 2008	August 4, 2015

**ATTEST**

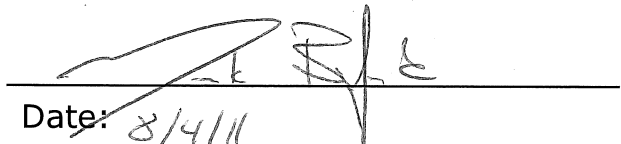
This permit is issued in accordance with the provisions of Section 322 of the Regulation of the Northwest Clean Air Agency and the provisions of Chapter 173-401 Washington Administrative Code.

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: 8/4/11

Erica K. Shuhler, P.E.  
Chemical Engineer

  
Date: 8/4/11

Mark Buford, P.E.  
Assistant Director

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## SECTION 1 EMISSION UNIT IDENTIFICATION

**Table 1-1 Emission Units at Puget Sound Energy - Encogen Generating Station**

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 <sub>2</sub> : Combustion of natural gas or diesel fuel having a sulfur content of less than 0.05% by weight NO <sub>x</sub> : Steam injection and selective catalytic reduction with ammonia injection Particulate matter, fine particulate matter (PM <sub>10</sub> ), hydrocarbons, and CO: Good combustion practices
Auxiliary Boiler	Nebraska NOS 2A/S-55 Natural gas-fired boiler	92.7 MMBtu/hr		SO <sub>2</sub> : Combustion of natural gas NO <sub>x</sub> : LOW-NO <sub>x</sub> burners and selective catalytic reduction with ammonia injection Particulate matter, fine particulate matter (PM <sub>10</sub> ), 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**

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. All terms and conditions of this permit are enforceable by the Environmental Protection Agency (EPA) Administrator and by citizens under the Federal Clean Air Act (FCAA), except for those terms and conditions designated in the permit as "State Only". A requirement designated "State Only" is enforceable only by the state or the NWCAA, and not by EPA or through citizen suits. Unless the text of the term is specifically identified to be "Directly Enforceable", the language of the cited regulation takes precedence over a paraphrased requirement. A permit condition labeled "Directly Enforceable" is a legal requirement, and the permit shield in condition 2.3.1 of this permit applies.

### **2.1 Compliance Requirements**

#### **2.1.1 Duty to Comply**

2.1.1.1 WAC 173-401-620(2)(a) (11/4/93)

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of RCW 70.94 and, for federally enforceable provisions, a violation of the Federal Clean Air Act (FCAA). Such violations are grounds for enforcement action; for permit termination, revocation and re-issuance, or modification; or for denial of a permit renewal application.

2.1.1.2 State Only: NWCAA 322.3 (11/12/99)

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

#### **2.1.2 Civil and Criminal Penalties**

2.1.2.1 WAC 173-400-230(2) (3/20/93), WAC 173-400-240 (3/22/91), NWCAA 131 (4/14/93), NWCAA 132 & 133 (10/13/94), and Section 113 of the FCAA

Any person who violates applicable regulations or aids and abets in a violation, as notified in accordance with this section, shall be subject to penalties.

2.1.2.2 State Only: NWCAA 131, 132 & 133 (11/8/07)

Any person who violates applicable regulations or aids and abets in a violation, as notified in accordance with this section, shall be subject to penalties.

2.1.2.3 WAC 173-400-250 (9/20/93) and NWCAA 133.2 (10/13/94)  
State Only: NWCAA 133.2 (11/8/07)

Penalties issued may be appealed to the pollution control hearings board within 30 days after notice is served.

#### **2.1.3 Need to Halt or Reduce Activity Not a Defense**

WAC 173-401-620(2)(b) (11/4/93)

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

## **2.1.4 Duty to Provide Information**

WAC 173-401-620(2)(e) (11/4/93)

The permittee shall furnish to the NWCAA, within a reasonable time, any information that the NWCAA 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 NWCAA 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 EPA Administrator along with a claim of confidentiality. The NWCAA shall maintain confidentiality of such information in accordance with RCW 70.94.205 and the NWCAA Regulation.

## **2.1.5 Confidential Information**

*2.1.5.1*     NWCAA 114.1 (4/14/93)

Whenever the permittee requests that records or information eligible for confidentiality status be made confidential by the Board of the NWCAA, the NWCAA shall maintain confidentiality of such information in accordance with NWCAA 114. The records or information shall be only for the confidential use of the Board, the Advisory Council, and the NWCAA staff, but may not be accessed if, in the opinion of the Board, there is a conflict of interest.

*2.1.5.2*     State Only: NWCAA 114 (11/8/07)

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

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

## **2.1.6 Inspection and Entry**

WAC 173-400-105(3) (9/20/93), WAC 173-401-630(2) (11/4/93) NWCAA 110 & 111 (1/8/69)

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**

#### NWCAA 110 (1/8/69)

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) (9/20/93)

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

#### 2.1.8.2 State Only: WAC 173-400-105(4) (4/1/11)

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 July 1, 2010) or procedures contained in "Source Test Manual – Procedures for Compliance Testing," state of Washington, department of ecology, as of September 20, 2004, on file at ecology. All other language is the same as 2.1.8.1.

#### 2.1.8.3 State Only: NWCAA 367 and Appendix A (7/14/05)

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

- (i) A source test plan shall be submitted to the NWCAA for approval for all compliance source tests at least 30 days prior to scheduled testing. A summary of the test shall accompany the test plan and be submitted on a template provided by the NWCAA.
- (ii) Once a test plan has been approved, any changes in test dates or methodology shall require NWCAA approval.

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

### **2.1.9 Testing and Sampling**

#### *2.1.9.1 NWCAA 360.1 (2/14/73)*

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

#### *2.1.9.2 State Only: NWCAA 367 and Appendix A (7/14/05)*

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

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

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

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

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

#### *2.1.10.1 NWCAA 365.1 (2/8/89)*

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

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

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

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

All required continuous emission monitors or required opacity monitors used to monitor compliance and all instruments used for special studies must meet appropriate EPA performance specifications (40 CFR 60, Appendix B) and shall be calibrated and maintained

in accordance with the “Guidelines for Industrial Monitoring Equipment and Data Handling” procedures approved by the Control Officer.

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

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

*2.1.10.2 State Only: NWCAA 367 and Appendix A (7/14/05)*

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

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

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

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

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

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

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

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

**2.1.11 Credible Evidence**

*40 CFR 51.212(c) (2/24/97), 40 CFR 52.12 (2/24/97), and 40 CFR 52.33 (2/24/97)*

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 (11/4/93) and WAC 173-401-710 (10/17/02)

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

### **2.2.2 Permit Actions**

WAC 173-401-620(2)(c) (11/4/93)

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

### **2.2.3 Emissions Trading**

WAC 173-401-620(2)(g) (11/4/93)

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**

State Only: WAC 173-400-131, 136 (4/1/11)

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

### **2.2.5 Severability**

WAC 173-401-620(2)(h) (11/4/93)

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

### **2.2.6 Permit Appeals**

WAC 173-401-620(2)(i) (11/4/93) and WAC 173-401-735 (5/3/97)

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

### **2.2.7 Permit Continuation**

WAC 173-401-620(2)(j) (11/4/93)

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 (11/4/93)

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

- (i) Additional requirements become applicable to the source with a remaining permit term of three or more years. Such a reopening shall be completed not later than eighteen months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions have been extended pursuant to WAC 173-401-620(2)(j);
- (ii) Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the EPA Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit;
- (iii) The NWCAA or the EPA Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit; or
- (iv) The NWCAA or the EPA Administrator determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

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

WAC 173-401-722 (10/17/02) and WAC 173-401-724 (11/4/93)

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

### **2.2.10 Permit Modifications**

WAC 173-401-720 (11/4/93) and WAC 173-401-725 (11/4/93)

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

### **2.2.11 Property Rights**

WAC 173-401-620(2)(d) (11/4/93)

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

### **2.2.12 Definitions**

*2.2.12.1* NWCAA 200 (10/13/94)

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.

2.2.12.2 State Only: NWCAA 200 (11/8/07)

In the new version of the NWCAA Regulation some of the definitions have been modified slightly to provide clarification and some have been revised to include an expanded definition of the term.

**2.2.13 Compliance Schedule**

WAC 173-401-630(3) (11/4/93) and WAC 173-401-510(2)(h)(iii) (6/17/94)

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

**2.2.14 Permit Fees**

2.2.14.1 WAC 173-401-620(2)(f) (11/4/93)

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

2.2.14.2 State Only: NWCAA 322.4 (11/12/99)

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

**2.2.15 Transfer or Permanent Shutdown**

2.2.15.1 NWCAA 325 (2/14/73)

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 325 (11/8/07)

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 300 and 301.

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

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

## **2.3 Permit Shield**

### **2.3.1 Shield Requirement**

WAC 173-401-640(1) (11/4/93)

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) (11/4/93)

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) (11/4/93)

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 70.94.154.

### **2.3.4 Reasonably Available Control Technology**

*2.3.4.1* WAC 173-401-605(3) (11/4/93)

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 (9/20/93)

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) (4/1/11)

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 70.94.154, define RACT for each source or source category and issue a rule or regulatory order requiring the installation of RACT.

## **2.3.5 Emergencies**

### WAC 173-401-645 (11/4/93)

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

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

## **2.4 Recordkeeping and Reporting**

### **2.4.1 Compliance Certification**

#### 2.4.1.1 WAC 173-401-630(5) (11/4/93)

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

- (i) Identification of each term and condition of the permit that is the basis of the certification;
- (ii) Compliance status;
- (iii) Whether the compliance was continuous or intermittent;
- (iv) Methods used for determining the compliance status of the source, currently and over the reporting period. These methods must be consistent with the permit Monitoring, Recordkeeping, and Reporting requirements.

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

U.S. EPA, Region 10  
Office of Air, Waste, and Toxics  
Attn: Air Operating Permits  
1200 Sixth Avenue, Suite 900, AWT-107  
Seattle, WA 98101

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

#### 2.4.1.2 WAC 173-401-520 (11/4/93)

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 (10/17/02) and 630 (11/4/93) Directly enforceable under WAC 173-401-615(1)(b) & (c) (10/17/02)

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 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.

All semiannual monitoring certifications are due as follows:

- January 31 for reports from July through December
- July 31 for reports from January through June

*2.4.1.4 WAC 173-401-530(2)(d) (10/17/02)*

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 NWCAA 112 (2/14/73)*

No person shall willfully make a false or misleading oral statement to the Board 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 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.

*2.4.2.2 State Only: NWCAA 112 (11/12/99)*

No person shall willfully make a false or misleading oral statement to the NWCAA 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 or other paper issued by the NWCAA if the purpose of such reproduction or alteration is to evade or violate any provision or Regulation of the NWCAA, or any other law.

### **2.4.3 Required Recordkeeping**

*2.4.3.1 WAC 173-401-615(2) (10/17/02)*

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 (10/17/02) and 630 (11/4/93)  
Directly enforceable under WAC 173-401-615(1)(b) & (c) (10/17/02)

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

#### **2.4.4 Pollutant Disclosure - Reporting by Air Contaminant Sources**

2.4.4.1 NWCAA 150 (9/8/93) and WAC 173-400-105(1) (9/20/93)

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

- (i) The nature of the enterprise;
- (ii) A list of process materials which are potentially significant sources of emissions used in, and incidental to, its manufacturing processes, including any by-products and waste products;
- (iii) An estimated annual total production of wastes discharged into the air in units and contaminants designated by the NWCAA that may include stack and fugitive emissions of particulate matter, PM<sub>10</sub>, sulfur dioxide, carbon monoxide, total reduced sulfur compounds (TRS), fluorides, lead, VOCs, and other contaminants.

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

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

2.4.4.2 State Only: WAC 173-400-105(1) (4/1/11)

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

2.4.4.3 State Only: NWCAA 150 (11/8/07)

Annual emission reports shall be submitted to the NWCAA no later than April 15 of the following 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 Regulation 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), (4), and (5) (1/1/11)

GHG reporting is mandatory for:

- (i) An owner or operator of any facility listed in WAC 173-441-120 that emits ten thousand metric tons CO<sub>2</sub>e or more per calendar year in total GHG emissions as calculated according to WAC 173-441-030(1)(b).
- (ii) Any supplier that supplies applicable fuels that are reported to DOL as sold in Washington state of which the complete combustion or oxidation would result in total calendar year emissions of ten thousand metric tons or more of carbon dioxide 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 173-441-130 to calculate any voluntarily reported GHG emissions.

Once a facility or supplier 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 facility or supplier 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(5)(a)-(c).

### 2.4.5.2 State Only: WAC 173-441-050 (1/1/11)

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 facilities or suppliers, 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:

- (i) March 31st of each calendar year for GHG emissions in the previous calendar year if the facility is required to report GHG emissions to the U.S. EPA per 40 CFR 98.
- (ii) October 31st of each calendar year for GHG emissions in the previous calendar year if the facility is not required to report GHG emissions to the U.S. EPA per 40 CFR Part 98.

For any facility or supplier 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 three 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 (1/1/11)

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

"I am authorized to make this submission on behalf of the owners and operators of the facility or supplier, as applicable, for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the

statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.”

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

*2.4.5.4 State Only: WAC 173-441-100 (1/1/11)*

All requests, notifications, and communications to Ecology pursuant to this chapter, other than submittal of the annual GHG report, shall be submitted to the following address:

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

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

*State Only: WAC 173-400-720(4)(b)(iii) (4/1/11)*

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) (10/17/02)*

*Directly enforceable under WAC 173-401-615(1)(b) & (c) (10/17/02)*

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 (10/13/94)*

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

- (i) The upset or breakdown shall be reported as promptly as possible and in no event later than twelve (12) hours to the NWCAA.
- (ii) The person responsible shall, upon the request of the Control Officer, submit a full report within ten (10) days including the known causes, corrective measures taken, and preventive measures to be taken to minimize or eliminate a recurrence.

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

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

### *2.4.8.2 State Only: NWCAA 340.1, 340.2 and 340.3 (11/8/07)*

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

- (i) The upset or breakdown shall be reported as promptly as possible and in no event later than twelve (12) hours to the NWCAA.
- (ii) The responsible official or his designee shall submit a full report on forms provided by the NWCAA within 30 days after the end of a calendar month in which the upset occurred and must include as a minimum the known causes, corrective action taken, preventive measures put in place to reduce the possibility of or eliminate a recurrence, and an estimate of the quantity of emissions above the applicable limit caused by the event.

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

It shall be prima facie evidence of violation of the NWCAA Regulation if 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 341 (9/8/93)*

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 FINAL shutdown or startup, the nature of the action to be taken, the date and time for the action and an estimate of the anticipated rate and concentration of emission.

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

*2.4.9.2 State Only: NWCAA 341 (7/14/05)*

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 FINAL 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 342 (9/8/93)*

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

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

If a breakdown or violation occurs and is due to the improper operation or maintenance of equipment, the owner or operator of the source will, in addition to filing a report of

breakdown under NWCAA 340, submit a report if requested by the Control Officer on what measures will be taken in training or re-orienting personnel to prevent a recurrence of the breakdown.

*2.4.10.2 State Only: NWCAA 342 (7/14/05)*

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

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

## **2.5 Excess Emissions**

### **2.5.1 Excess Emission**

*WAC 173-400-107 (9/20/93)*

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

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

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

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

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

- (i) The event was not caused by poor or inadequate design, operation, maintenance, or any other reasonably preventable condition;
- (ii) The event was not of a recurring pattern indicative of inadequate design, operation, or maintenance; and
- (iii) The permittee took immediate and appropriate corrective action in a manner consistent with good air pollution control practice for minimizing emissions during the event, taking into account the total emissions impact of the corrective action, including slowing or shutting down the emission unit as necessary to minimize emissions, when the operator knew or should have known that an emission standard or permit condition was being exceeded.

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

*State Only: NWCAA 340.4 (11/8/07) and 341.4 (7/14/05)*

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

- (i) The event was not caused by poor or inadequate design, operation, maintenance, or any other reasonably preventable condition;
- (ii) The event was not of a recurring pattern indicative of inadequate design, operation, or maintenance;
- (iii) The operator took immediate and appropriate corrective action in a manner consistent with good air pollution control practice; and
- (iv) The emissions did not result in a violation of an ambient air quality standard.

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

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

*WAC 173-401-500(6) (10/17/02)*

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) (9/20/93) and State Only: WAC 173-400-040(8) (4/1/11)*

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 540 (1/8/69)*

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 (3/22/91)

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 (10/18/90) and WAC 173-425-045 (1/3/89), WAC 173-435-050(2) (01/3/89) 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: (1) garbage, (2) dead animals, (3) asphaltic products, (4) waste petroleum products, (5) paints, (6) rubber products, (7) plastics, (8) treated wood, and (9) 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 (4/13/00), NWCAA 502 (11/8/07)

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 570 (11/8/07)

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

2.7.4.2 40 CFR 61.145 (1/16/91), 61.148 (11/20/90) and 61.150 (9/18/03)

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

## **2.7.5 Stratospheric Ozone and Climate Protection**

2.7.5.1 40 CFR 82 Subpart F (4/30/09)

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 70.94.970 (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**

NWCAA 124 (2/14/73)

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

### **2.7.7 Obstruction of Access**

State Only: RCW 70.94.200, (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(7) (4/1/11)

No person shall make any false material statement, representation or certification in any form, notice or report required under Chapter 70.94 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(9) (4/1/11)

No person shall render inaccurate any monitoring device or method required under Chapter 70.94 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 (4/9/04)

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 (4/14/93)

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 (3/22/91) (State Only - 2/10/05)

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 WAC 173-400-110 (9/20/93), NWCAA 300, 301, 302 & 324.2 (10/13/94), and NWCAA 303 (8/9/78)

No person shall construct, install, establish, modify or alter an air contaminant source or an emission unit without filing a "Notice of Construction and Application for Approval" and receiving approval from the NWCAA in accordance with the cited regulations.

2.8.1.2 State Only: WAC 173-400-111, 113 (4/1/11), WAC 173-460-010 through -150 (6/20/09), NWCAA 300.1-300.12 (6/10/10), NWCAA 301 (11/8/07), 303 (11/12/98), and 324.2 (11/8/07)

A Notice of Construction application must be filed by the owner or operator and an Order of Approval issued by the NWCAA prior to the establishment of any new source in accordance with the cited regulations. For purposes of this section "establishment" shall mean to "begin actual construction" as that phrase is defined in NWCAA 200, and "new source" shall include any "modification" to an existing "stationary source" as those terms are defined in NWCAA 200.

### **2.8.2 General Order**

State Only: WAC 173-400-560 (4/1/11) and NWCAA 300.14 (6/10/10)

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

### **2.8.3 Requirements to Comply**

State Only: NWCAA 300.15 (6/10/10)

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

### **2.8.4 Prevention of Significant Deterioration (PSD)**

State Only: WAC 173-400-700, 720, 730, 750 (4/1/11), WAC 173-400-710 (6/8/07), WAC 173-400-117, 740 (2/10/05)

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 FINAL 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).

### **2.8.5 Replacement or Substantial Alteration of Control Technology at an Existing Source**

*State Only: WAC 173-400-114 (9/15/01), NWCAA 300.13 (6/10/10)*

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

### **2.9 Greenhouse Gas Regulation**

*WAC 173-401-200 (19) & (35) (1/1/11)*

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 unless, as of July 1, 2011, the GHG emissions are at a stationary source emitting or having the potential to emit 100,000 tpy CO<sub>2</sub> equivalent emissions.

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

"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 NEW SOURCE PERFORMANCE STANDARDS**

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. The affected facilities 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.

The EPA delegates NSPS implementation and enforcement authority to NWCAA on a periodic basis. Some conditions in this section cite the NSPS delegation letter from EPA Region 10 to NWCAA because the letter clarifies certain Federal requirements. For example, the delegation letter states 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 letter also specifies the extent of NSPS delegation to the NWCAA. The current delegation letter is 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 requirements, “Administrator” means NWCAA; for NSPS requirements that have not been delegated to NWCAA, “Administrator” means the Administrator of the United States Environmental Protection Agency.

### **Part 60 – New Source Performance Standard Requirements**

#### **3.1 Address for Reports, Notifications, and Submittals**

*Title 40 CFR 60.4(a) and (b) (4/25/75) (as amended by Delegation Letter dated 12/02/10 from Richard Albright, Director of the Office of Air, Waste, and Toxics, EPA Region 10 to Mark Asmundson, Director of NWCAA), NWCAA 104.2 (6/10/10)*

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

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

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

U.S. EPA Region 10  
Office of Air, Waste, and Toxics  
1200 Sixth Avenue, Suite 900, AWT-107  
Seattle, WA 98101

### **3.2 Notification**

Title 40 CFR 60.7(a) (2/12/99) (as amended by Delegation Letter dated 12/02/10 from Richard Albright, Director of the Office of Air, Waste, and Toxics, EPA Region 10 to Mark Asmundson, Director of NWCAA), NWCAA 104.2 (6/10/10)

Furnish written notification to the Administrator of the following:

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

### **3.3 Startup, Shutdown, and Malfunction Records**

Title 40 CFR 60.7(b) (2/12/99), NWCAA 104.2 (6/10/10)

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.

### **3.4 Excess Emission Records**

Title 40 CFR 60.7(c) and (d) (2/12/99) (as amended by Delegation Letter dated 12/02/10 from Richard Albright, Director of the Office of Air, Waste, and Toxics, EPA Region 10 to Mark Asmundson, Director of NWCAA), NWCAA 104.2 (6/10/10)

Each owner or operator required to install a continuous monitoring device shall submit excess emissions and monitoring systems performance report (as defined in applicable subparts) and/or summary report form (see 60.7(d)) to the Administrator semiannually, except when: more frequent reporting is specifically required in any subpart; or the Administrator determines that more frequent reporting is necessary. All reports shall be

postmarked by the 30<sup>th</sup> day following the end of each six-month period. Written reports of excess emissions shall include the information in 40 CFR 60.7(c) (1) through (4).

### **3.5 Maintenance of Records**

*Title 40 CFR 60.7(f) (2/12/99), NWCAA 104.2 (6/10/10)*

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

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

### **3.6 Performance Tests**

*Title 40 CFR 60.8(a), (d), (e), and (f) (9/13/10), NWCAA 104.2 (6/10/10)*

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

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

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

- (1) Sampling ports adequate for test methods applicable to such facility.
- (2) Safe sampling platform(s).
- (3) Safe access to sampling platform(s).
- (4) Utilities for sampling and testing equipment.

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

### **3.7 Test Method Performance Audit**

*Title 40 CFR 60.8(g) (9/13/10), NWCAA 104.2 (6/10/10)*

Performance testing shall include a test method performance audit (PA) during the performance test. The PAs consist of blind audit samples supplied by an accredited audit sample provider and analyzed during the performance test in order to provide a measure of test data bias. Audit samples must be collected by the sampling system during the compliance test just as the compliance samples are collected. If multiple sampling systems or sampling trains are used during the compliance test for any of the test methods, the tester is only required to use one of the sampling systems per method to collect the audit sample. The audit sample must be analyzed by the same analyst using the same analytical reagents and analytical system and at the same time as the compliance samples. Retests are required when there is a failure to produce acceptable results for an audit sample. A blind audit sample is a sample whose value is known only to the sample provider and is not revealed to the tested facility until after they report the measured value of the audit sample. An accredited audit sample provider (AASP) is an organization that has been accredited to prepare audit samples by an independent, third party accrediting body.

The source owner, operator, or representative of the tested facility shall obtain an audit sample, if commercially available, from an AASP for each test method used for regulatory compliance purposes. No audit samples are required for the following test methods: Methods 3C of Appendix A-3 of Part 60, Methods 6C, 7E, 9, and 10 of Appendix A-4 of Part 60, Method 18 of Appendix A-6 of Part 60, Methods 20, 22, and 25A of Appendix A-7 of Part 60, and Methods 303, 318, 320, and 321 of Appendix A of Part 63. The compliance authority responsible for the compliance test may waive the requirement to include an audit sample if they believe that an audit sample is not necessary.

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

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

### **3.8 Compliance with Opacity Standards**

*Title 40 CFR 60.11(b) and (c) (10/17/00), NWCAA 104.2 (6/10/10)*

Compliance with opacity standards in 40 CFR Part 60 shall be determined by EPA Method 9 in Appendix A. For purposes of determining initial compliance, the minimum total time of observations shall be 3 hours (30 6-minute averages) for the performance test. The opacity standards set forth in this part shall apply at all times except during periods of startup, shutdown, malfunction, and as otherwise provided in the applicable standard.

### **3.9 Operation and Maintenance**

*Title 40 CFR 60.11(d) (10/17/00), NWCAA 104.2 (6/10/10)*

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

### **3.10 Credible Evidence**

*Title 40 CFR 60.11(g) (10/17/00), NWCAA 104.2 (6/10/10)*

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.

### **3.11 Circumvention**

*Title 40 CFR 60.12 (3/8/74), NWCAA 104.2 (6/10/10)*

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

### **3.12 Monitoring Requirements**

*Title 40 CFR 60.13 (6/13/07), NWCAA 104.2 (6/10/10)*

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

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

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

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

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

For continuous monitoring systems other than opacity, 1-hour averages shall be computed according to paragraphs (h)(2)(i) through (h)(2)(ix), except that the provisions pertaining

to the validation of partial operating hours are only applicable for affected facilities that are required by the applicable subpart to include partial hours in the emission calculations.

### **3.13 Modification**

*Title 40 CFR 60.14 (10/17/00), NWCAA 104.2 (6/10/10)*

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

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

## SECTION 4 GENERALLY APPLICABLE REQUIREMENTS

The cited requirements in the “Citation” column of Table 4-1 and incorporated herein by reference are applicable plantwide 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 state or the NWCAA, and not by the EPA or through citizen suits. 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 WAC 173-401-605(1) and 615(1) and (2) or the underlying requirement. MR&R obligations do not apply to insignificant emission units.

Requirements in the MR&R column listed below the designation “Directly Enforceable” are legally enforceable requirements added under the NWCAA’s “gap-filling” authority [WAC 173-401-615(1)(b) & (c) (10/17/02)]. Other requirements not labeled “Directly Enforceable” are brief descriptions of the regulatory requirements for informational purposes and are not enforceable, unless they are identical to the cited requirement. 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 – Plantwide**

Permit Term	Citation	Description	Monitoring, Recordkeeping, and Reporting
4.1 Reports	WAC 173-401-615(3) (10/17/02)	<p><u>Required Monitoring Reports</u></p> <p>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. All required reports must be certified by a responsible official consistent with Permit Term 2.4.1.2.</p>	<p><i>Directly Enforceable:</i></p> <p>Unless specifically required otherwise by a permit term, monthly reports shall cover a calendar month, quarterly reports shall cover a calendar quarter, six-month or semiannual reports shall cover January through June and July through December, and annual reports shall cover a calendar year. The initial reporting period shall cover the time from permit issuance until the first month, quarter, six-month period, or year following permit issuance.</p> <p>Reports shall be submitted within 30 days after the close of the period that the reports cover.</p>

**Table 4-1 Generally Applicable Requirements – Plantwide**

Permit Term	Citation	Description	Monitoring, Recordkeeping, and Reporting
4.2 General	NWCAA 342 (9/8/93); (7/14/05) State Only	<p><u>Operation and Maintenance</u></p> <p>Sources are required to keep any process and/or air pollution control equipment in good operating condition and repair. Operating instructions and maintenance schedules must be available onsite.</p>	<p><i>Directly Enforceable:</i></p> <p>Keep records of maintenance and repair work on process and air pollution control equipment.</p>
4.3 Nuisance	NWCAA 530 (3/9/00) State Only	<p><u>General Nuisance</u></p> <p>No person shall discharge from any source quantities of air contaminants, with the exception of odors, in sufficient amounts and of such characteristics and duration as is likely to be injurious or cause damage to human health, plant or animal life, or property; or which unreasonably interferes with enjoyment of life and property.</p>	<p><i>Directly Enforceable:</i></p> <p>Upon receiving an air contaminant nuisance complaint from the NWCAA or the public, check all potential sources of the nuisance emissions at the facility and identify possible causes. Problems identified shall be repaired or corrected as soon as possible. If the problems identified cannot be repaired or corrected within four hours, action shall be taken to minimize emissions until repairs can be made, and the NWCAA shall be notified within 12 hours with a description of the complaint and action being taken to resolve the problem.</p>
4.4 Nuisance	WAC 173-400-040(5) (9/20/93); WAC 173-400-040(6) (4/1/11) State Only	<p><u>Emission Detrimental to Persons or Property</u></p> <p>Discharge of air contaminants detrimental to the health, safety, or welfare of any person, or that causes damage to property or business is unlawful.</p>	<p>The results of the investigation, identification of any malfunctioning equipment or aberrant operation, and the date and time of repair or mitigation shall be recorded. A log of these records shall be maintained for inspection.</p> <p>Receipt of a nuisance complaint in itself shall not necessarily be a violation.</p>

**Table 4-1 Generally Applicable Requirements – Plantwide**

Permit Term	Citation	Description	Monitoring, Recordkeeping, and Reporting
4.5 Odor	NWCAA 535 (3/9/00) State Only	<p><u>Odor Control Measures</u></p> <p>Appropriate practices and control equipment shall be installed and operated to reduce odor-bearing gases emitted into the atmosphere to a reasonable minimum.</p> <p>Any person who shall cause the generation of any odor from any source which may reasonably interfere with any other owner’s use and enjoyment of their property must use recognized best practices and control equipment to reduce these odors to a reasonable minimum.</p> <p>No person shall cause or permit the emission of odorous air contaminants from any source if it is detrimental to the health, safety or welfare of any person, or causes damage to property or business.</p>	<p><i>Directly Enforceable:</i></p> <p>Follow the MR&amp;R of Permit Term 4.3.</p>
4.6 Odor	WAC 173-400-040(5) (4/1/11) State Only	<p><u>Odors</u></p> <p>Source may not generate odors which may unreasonably interfere with property use and must use recognized good practice and procedures to reduce odors to a reasonable minimum.</p>	

**Table 4-1 Generally Applicable Requirements – Plantwide**

Permit Term	Citation	Description	Monitoring, Recordkeeping, and Reporting
4.7 Fugitives	NWCAA 550 (4/14/93)	<p><u>Preventing Particulate Matter from Becoming Airborne</u></p> <p>Install and operate Best Available Control Technology (BACT) to prevent the release of fugitive particulate matter emissions. Offsite deposition of particulate matter is prohibited.</p>	<p><i>Directly Enforceable:</i> Follow the MR&amp;R of Permit Term 4.3.</p>
4.8 Fugitives	NWCAA 550 (7/14/05) State Only	<p><u>Preventing Particulate Matter from Becoming Airborne</u></p> <p>Install and operate Reasonably Available Control Technology (RACT) to prevent the release of fugitive particulate matter emissions. Offsite deposition of particulate matter is prohibited.</p>	
4.9 Fugitives	WAC 173-400-040(3) (4/1/11) State Only	<p><u>Fallout</u></p> <p>Offsite deposition of particulate matter, in sufficient quantity to interfere with the use and enjoyment of the property upon which it is deposited, is prohibited.</p>	
4.10 Fugitives	WAC 173-400-040(3)(a) (9/20/93); WAC 173-400-040(4)(a) (4/1/11) State Only	<p><u>Fugitive Emissions</u></p> <p>Sources engaged in materials handling, construction, demolition, or other such activities shall take reasonable precautions to prevent the release of fugitive emissions.</p>	
4.11 Fugitives	WAC 173-400-040(8)(a) (9/20/93); WAC 173-400-040(9)(a) (4/1/11) State Only	<p><u>Fugitive Dust</u></p> <p>Source shall take reasonable precautions to prevent the release of fugitive dust emissions.</p>	

**Table 4-1 Generally Applicable Requirements – Plantwide**

Permit Term	Citation	Description	Monitoring, Recordkeeping, and Reporting
4.12 Opacity	NWCAA 451.1 (10/13/94); (11/8/07) State Only WAC 173-400-040(1) (9/20/93); WAC 173-400-040(2) (4/1/11) State Only	<u>Emission of Air Contaminant - Visual Standard</u> Opacity shall not exceed 20% for any period aggregating more than 3 minutes in any sixty-minute period.	<i>Directly Enforceable:</i> At least once during each calendar month that a combustion unit operates, conduct visual observations on each stack to qualitatively determine whether there are visible emissions. Conduct a visual observation for each fuel fired during the calendar month. If, at any time, visible emissions (VE) are observed, take at least one of the following actions within 24 hours of observation: <ul style="list-style-type: none"> <li>• Take corrective action that returns opacity to non-visible level as soon as practicable,</li> <li>• A certified VE reader shall determine the opacity according to EPA Method 9* and daily thereafter until opacity is shown to be less than applicable limits. If EPA Method 9 shows emissions in excess of an applicable standard, determine opacity according to Ecology Method 9A**, or</li> <li>• Shut the unit down until corrective actions can be taken.</li> </ul>
4.13 PM	WAC 173-400-060 (3/22/91); (2/10/05) State Only	<u>Emission Standard for General Process Units</u> Particulate emissions greater than 0.1 grains/dscf prohibited.	
4.14 PM	NWCAA 455.11 (4/14/93); (5/11/95) State Only	<u>Emission of Particulate Matter</u> Emissions shall not exceed 0.10 grains/dscf corrected to 7% oxygen except gaseous and distillate fuel burning sources (not including internal combustion engines) shall not exceed 0.05 grains/dscf corrected to 7% oxygen.	If a certified VE reader is not available to read opacity within 24 hours of observed emissions, it shall be assumed that the VE exceed all applicable opacity standards. Report an exceedance of the standard according to Permit Term 5.1.4. Record each visual observation performed, date and time of observation, background conditions, name of observer, and fuel burned. For stacks with VE, record any related equipment or operational failure, failure dates and times, duration of VE, and actions taken. Keep records of all observations available at the facility for inspection.
4.15 PM	WAC 173-400-050(1) and (3) (3/22/91); (4/1/11) State Only	<u>Emission Standard for Combustion and Incineration Units</u> Emissions from combustion sources shall not exceed 0.1 grains/dscf corrected to 7% oxygen.	Compliance with the MR&R of this permit term does not relieve the owner or operator of the source from the responsibility to maintain continuous compliance with all applicable opacity standards nor from the resulting liabilities for failure to comply. * 40 CFR 60 Appendix A Method 9 – Visual determination of the opacity of emissions from stationary sources ** Washington Department of Ecology Source Test Method 9A – Visual determination of opacity for a three-minute standard (Revised July 12, 1990)

**Table 4-1 Generally Applicable Requirements – Plantwide**

Permit Term	Citation	Description	Monitoring, Recordkeeping, and Reporting
4.16 SO <sub>2</sub>	NWCAA 460 (8/9/78); (7/14/05) State Only	<u>Weight/Heat Rate Standard - Emission of Sulfur Compounds</u> Sulfur compound emissions, as SO <sub>2</sub> , shall not exceed 1.5 lb/MMBtu heat input per hour, calendar month average of hourly values.	<i>Directly Enforceable:</i> Burn only natural gas or diesel fuel containing less than 0.05% by weight sulfur. Keep receipts from all fuel oil suppliers that include the type and quantity of oil purchased and its sulfur content. Records shall be made available for inspection upon request.
4.17 SO <sub>2</sub>	NWCAA 462 (4/14/92); (3/13/97) State Only	<u>Emission of Sulfur Compounds</u> SO <sub>2</sub> emissions limited to 1,000 ppm <sub>dv</sub> corrected to 7% oxygen, 60 consecutive minute average.	
4.18 SO <sub>2</sub>	WAC 173-400-040(6) (9/20/93) The second paragraph of this citation is State Only; WAC 173-400-040(7) (4/1/11) State Only	<u>Sulfur Dioxide</u> SO <sub>2</sub> emission concentration limited to 1,000 ppm <sub>dv</sub> corrected to 7% oxygen based on an hourly average.	
4.19 SO <sub>2</sub>	NWCAA 520 except 520.14 (4/14/93) Same as State Only (5/9/96)	<u>Sulfur Content of Fuels Burned</u> Shall not exceed: #1 distillate - 0.3% #2 distillate - 0.5% Other distillate or solid fuels - 2.0%	

## SECTION 5 SPECIFICALLY APPLICABLE REQUIREMENTS

The cited requirements in the “Citation” column of these tables incorporated herein by reference are applicable to the emission units identified in the corresponding table header. 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. 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 WAC 173-401-605(1) and 615(1) and (2) or the underlying requirement.

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

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

<b>Permit Term</b>	<b>Citation</b>	<b>Description</b>	<b>Monitoring, Recordkeeping, and Reporting</b>
5.1.1 General	PSD 91-02 Amendment 2 Condition 7 (7/23/98)	Sampling ports meeting the requirements of 40 CFR Part 60 Appendix A Method 20 shall be provided.	<i>Directly Enforceable:</i> Inspect and repair sampling ports and platforms as necessary.

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

Permit Term	Citation	Description	Monitoring, Recordkeeping, and Reporting
5.1.2 General	PSD 91-02 Amendment 2 Condition 9 (7/23/98)	Monthly reports shall include: <ul style="list-style-type: none"> <li>• Quantity of fuel oil burned for testing, total quantity of oil burned at the plant, and sulfur content of oil purchased since the last report;</li> <li>• Daily average ppm<sub>dv</sub> NO<sub>x</sub> for each turbine corrected to 15% oxygen and ISO;</li> <li>• Total plant lb/day NO<sub>x</sub> and 12-month rolling tons;</li> <li>• The duration and nature of any monitor down-time;</li> <li>• Results of any monitor audits or accuracy checks;</li> <li>• Results of any stack tests.</li> </ul>	Submit written monthly report to NWCAA within thirty (30) days of the end of the reporting month. Records shall be maintained on site for at least five years.
5.1.3 General	NWCAA Order of Approval # 400e Condition 6 (1/13/11)	Monthly reports shall include: <ul style="list-style-type: none"> <li>• Total therms of natural gas burned in the turbines;</li> <li>• Number of hours each turbine operated;</li> <li>• Total pounds of SO<sub>2</sub> emitted on a monthly basis.</li> </ul>	
5.1.4 General	PSD 91-02 Amendment 2 Condition 10 (7/23/98)	Monitored excess emission reports shall include: <ul style="list-style-type: none"> <li>• The time of the occurrence;</li> <li>• Magnitude of the emission or process parameters excess;</li> <li>• The duration of the excess</li> <li>• The probable cause;</li> <li>• Corrective actions taken or planned;</li> <li>• Any other agency contacted besides the NWCAA.</li> </ul>	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 2 Condition 11 (7/23/98)	Operation and maintenance manuals must be developed and followed. Copies of O&M manuals shall be available to Ecology/NWCAA.	Keep O&M manuals readily available for use by operations personnel and for inspection by Ecology/NWCAA.

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

<b>Permit Term</b>	<b>Citation</b>	<b>Description</b>	<b>Monitoring, Recordkeeping, and Reporting</b>
5.1.6 General	PSD 91-02 Amendment 2 Condition 12 (7/23/98)	Equipment operation shall be conducted in compliance with all specifications.	Operate and maintain equipment in accordance with O&M manuals or alterations approved by Ecology.
5.1.7 General	PSD 91-02 Amendment 2 Condition 14 (7/23/98)	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 2 Condition 16 (7/23/98)	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 Order of Approval # 400e Condition 2d (1/13/11)	Opacity from each exhaust stack shall not exceed 5% as measured by EPA Method 9.	<i>Directly Enforceable:</i> Follow the MR&R of Permit Term 4.12.
5.1.10 PM <sub>10</sub>	PSD 91-02 Amendment 2 Condition 5 (7/23/98)	PM <sub>10</sub> 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 <sub>10</sub> emissions shall not exceed 180 lb/day when fired on natural gas or 1,224 lb/day when fired on fuel oil.	<i>Directly Enforceable:</i> Follow the MR&R of Permit Term 4.12.

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

Permit Term	Citation	Description	Monitoring, Recordkeeping, and Reporting
5.1.11 NO <sub>x</sub>	NWCAA Order of Approval #400e Conditions 2A and 3A (1/13/11) PSD 91-02 Amendment 2 Condition 2 (7/23/98)	NO <sub>x</sub> emissions from each exhaust stack is limited to 7.0 ppm <sub>dv</sub> corrected to 15% oxygen and ISO, daily average when fired on natural gas and 11.0 ppm <sub>dv</sub> corrected to 15% oxygen and ISO, daily average when fired on fuel oil.  Total NO <sub>x</sub> 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 <sub>x</sub> 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.  During startup or shutdown conditions, NO <sub>x</sub> emissions in excess of the above limits shall be considered unavoidable provided the source reports the exceedance according to Permit Term 5.1.4.  <i>Directly Enforceable:</i>  Daily and 12-month rolling total plant NO <sub>x</sub> mass emissions calculations must include emissions generated during startup and shutdown conditions.
5.1.12 NO <sub>x</sub>	NWCAA Order of Approval # 400e Condition 4 (1/13/11) PSD 91-02 Amendment 2 Condition 8 (7/23/98)	Continuous emissions monitors (CEMs) for NO <sub>x</sub> and O <sub>2</sub> shall be installed and operated for each stack.	The daily NO <sub>x</sub> 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 <sub>x</sub> limit for purposes of calculating the 24-hour daily limit shall be 11.0 ppm <sub>dv</sub> corrected to 15% oxygen and ISO.
5.1.13 NO <sub>x</sub>	40 CFR 60.332 (a)(1) and (b) (7/8/04) and 60.334 (b) and (j)(1)(iii) (2/24/06) NWCAA 104.2 (6/10/10)	<u>NSPS Subpart GG – Standard for Nitrogen Oxides</u>  NO <sub>x</sub> emissions shall not exceed 96 ppm <sub>dv</sub> (75 ppm <sub>dv</sub> plus allowed heat rate correction and zero fuel-bound nitrogen) corrected to 15% oxygen, four-hour rolling average, during any unit operating hour.	
5.1.14 NO <sub>x</sub>	NWCAA Order of Approval # 400e Condition 7 (1/13/11)	CEMS QA manual shall be kept current and available at all times. Quality assurance procedures shall be in accordance with 40 CFR 60 Appendix F and NWCAA Section 367 and Appendix A.	Keep CEMS QA manual readily available for use by operations personnel and for inspection by Ecology/NWCAA.

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

Permit Term	Citation	Description	Monitoring, Recordkeeping, and Reporting
5.1.15 NH <sub>3</sub>	NWCAA Order of Approval # 400e Conditions 2c, 3c, and 5b (1/13/11)	Ammonia (NH <sub>3</sub> ) emissions from each exhaust stack shall not exceed 10.0 ppmdv corrected to 15% oxygen and ISO, one-hour average.  Total NH <sub>3</sub> 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.

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

Permit Term	Citation	Description	Monitoring, Recordkeeping, and Reporting
5.1.16 SO <sub>2</sub>	PSD 91-02 Amendment 2 Condition 3 (7/23/98)	SO <sub>2</sub> emissions from each stack are limited to 9.0 ppmdv daily average corrected to 15% oxygen and ISO when fired on fuel oil.  Total plant SO <sub>2</sub> shall not exceed 100 lb/day when fired on natural gas or 1,584 lb/day when fired on fuel oil.	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 <sub>2</sub> concentration and emission rates in units of the emission limits.
5.1.17 SO <sub>2</sub>	40 CFR 60.333 and 60.331(u) (7/8/04) 60.334(h)(1), (h)(3), (i)(1), (j)(2), and 60.335(b)(10) (2/24/06) NWCAA 104.2 (6/10/10)	<u>NSPS Subpart GG - Fuel Bound Sulfur</u> Sulfur content of fuels limited to 0.8 wt% or stack SO <sub>2</sub> emissions not to exceed 150 ppmdv corrected to 15% oxygen.	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).  A minimum of three fuel samples shall be collected during fuel testing and the samples analyzed for total sulfur content according to the following procedures:  Liquid Fuels: ASTM D129-00, D2622-98, D4294-02, D1266-98, D5453-00, or D1552-01  Gaseous Fuels: ASTM D1072-80,90; D3246-81,92,96; D4468-85; D6667-01; Alternatively, if the total sulfur content of the gaseous fuel during the most recent performance test was less than 0.4 weight percent (4,000 ppmw), ASTM D4084-82, 94, D5504-01, D6228-98, or Gas Processors Association Standard 2377-86, which measure the major sulfur compounds, may be used.  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).

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

Permit Term	Citation	Description	Monitoring, Recordkeeping, and Reporting
5.1.18 SO <sub>2</sub>	NWCAA Order of Approval # 400e Condition 1 (1/13/11) PSD 91-02 Amendment 2 Condition 1 (7/23/98)	<p>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.</p> <p><i>Period of natural gas curtailment or supply interruption</i> 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)</p>	<p>Keep receipts showing the type and quantity of all fuel oil received and its sulfur content according to Permit Term 5.1.17. Keep records of the amount of fuel oil burned daily in each turbine according to Permit Term 5.1.17.</p> <p>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.</p> <p>Records of fuel use and sulfur content shall be maintained on site for at least five years according to Permit Term 2.4.3.</p> <p><i>Directly Enforceable:</i></p> <p>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.</p>

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

Permit Term	Citation	Description	Monitoring, Recordkeeping, and Reporting
5.1.19 CO	NWCAA Order of Approval # 400e Condition 2b, 3b, and 5a (1/13/11); PSD 91-02 Amendment 2 Condition 4 (7/23/98)	CO emissions from each exhaust stack is limited to 10.0 ppm <sub>dv</sub> corrected to 15% oxygen and ISO, one hour average.  Total CO emissions from the plant shall not exceed 718 lb/day.	During startup or shutdown conditions, CO emissions in excess of the above limits shall be considered unavoidable provided the source reports the exceedance according to Permit Term 5.1.4.  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 – Auxiliary Boiler**

<b>Permit Term</b>	<b>Citation</b>	<b>Description</b>	<b>Monitoring, Recordkeeping, and Reporting</b>
5.2.1 General	40 CFR Part 60.48c(g) and (j) (1/28/09) NWCAA 104.2 (6/10/10)	<u>NSPS Subpart Dc – Steam Generating Units</u> – Record and maintain records of the amount of fuel combusted during each operating day.	Keep records of fuel usage during each calendar month and include on monthly emission reports.
5.2.2 Opacity	NWCAA Order of Approval # 951a Condition 1 (6/13/08)	Visible emissions shall not exceed 5% opacity for more than three minutes in any 60-minute period.	<i>Directly Enforceable:</i> Follow the MR&R of Permit Term 4.12.
5.2.3 SO <sub>2</sub>	NWCAA Order of Approval # 951a Condition 2 (6/13/08)	Fuel combusted in the boiler shall be limited to natural gas.	<i>Directly Enforceable:</i> Keep monthly records of fuel usage.

**Table 5-2 Specifically Applicable Requirements – Auxiliary Boiler**

Permit Term	Citation	Description	Monitoring, Recordkeeping, and Reporting
5.2.4 NO <sub>x</sub>	NWCAA Order of Approval # 951a Conditions 3 and 6 (6/13/08)	Emissions of NO <sub>x</sub> from the boiler shall not exceed 9 ppm <sub>dv</sub> corrected to 3% oxygen.	Source performance testing shall be conducted in accordance with NWCAA Section 367 and NWCAA Appendix A – (7/14/05). Source testing shall be conducted within 30 days of the first introduction of fuel into the boiler for any reason. Thereafter, source testing shall be conducted every 4,000 operating hours or every 24 months, whichever occurs sooner. The performance testing shall be done with the boiler operating at least 90% of maximum firing rate. If the boiler is tested at a rate less than 90% of maximum firing rate, then the boiler shall not operate above the firing rate used during the test. Use the following test methods: <ul style="list-style-type: none"> <li>• NO<sub>x</sub> – EPA Method 7E</li> <li>• CO – EPA Method 10</li> <li>• NH<sub>3</sub> - BAAQMD Method #1B</li> </ul> During all source tests record and report the following operating parameters: <ul style="list-style-type: none"> <li>• Pressure drop across the SCR</li> <li>• Temperature of the SCR catalyst bed</li> <li>• Ammonia feed rate to the SCR</li> <li>• Fuel use</li> </ul>
5.2.5 CO	NWCAA Order of Approval # 951a Conditions 4 and 6 (6/13/08)	Emissions of CO from the boiler shall not exceed 50 ppm <sub>dv</sub> corrected to 3% oxygen.	
5.2.6 NH <sub>3</sub>	NWCAA Order of Approval # 951a Conditions 5 and 6 (6/13/08)	Emissions of NH <sub>3</sub> from the boiler shall not exceed 10 ppm <sub>dv</sub> corrected to 3% oxygen.	

**Table 5-2 Specifically Applicable Requirements – Auxiliary Boiler**

Permit Term	Citation	Description	Monitoring, Recordkeeping, and Reporting
5.2.7 General	NWCAA Order of Approval # 951a Conditions 7, 8, and 9 (6/13/08)	<p>A written operating and maintenance manual for the boiler shall be kept on site and maintained to provide information on optimal operating conditions for the boiler and the SCR system.</p> <p>Optimal SCR operating parameters shall be determined based on the manufacturer’s recommendations and the relationship between the boiler and SCR established during periodic source tests.</p> <p>The manual shall include corrective actions to be taken when monitoring indicates an exceedance of an emission limit.</p>	<p>During operation, maintain hourly records of the:</p> <ul style="list-style-type: none"> <li>• SCR pressure drop</li> <li>• Catalyst temperature</li> <li>• Ammonia feed rate</li> </ul> <p>Keep an operation and maintenance manual on site that lists the optimal SCR pressure drop, catalyst temperature and ammonia injection rates and normal operating ranges to control NO<sub>x</sub> emissions without excessive ammonia slippage. Operate the unit within these normal parameter operating ranges.</p> <p>Records shall be kept for a period of no less than five years.</p> <p><i>Directly Enforceable:</i></p> <p>Report an upset when these monitored parameters indicate that the unit has operated outside the normal operating ranges defined in the operation and maintenance manual.</p>

**Table 5-3 Specifically Applicable Requirements – Distillate Fuel Storage Tanks A, B, and C**

Permit Term	Citation	Description	Monitoring, Recordkeeping, and Reporting
5.3.1 VOC	NWCAA Order of Approval # 428 Rev. 2 Condition 2 (5/1/95)	Exterior color of the tanks shall be no darker than light gray.	<i>Directly Enforceable:</i> Conduct an annual visual verification to assure that each tank exterior is no darker than light gray in color.
5.3.2 VOC	NWCAA Order of Approval # 428 Rev. 2 Condition 3 (5/1/95)	Only diesel fuel may be stored in the tanks.	<i>Directly Enforceable:</i> 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.
5.3.3 VOC	NWCAA Order of Approval # 428 Rev. 2 Condition 4 (5/1/95)	True vapor pressure of product stored shall not exceed 5.2 kPa (0.75 psia).	

## **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.



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

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### Permit Requirements

#### **STEP 3**

Read the standard 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).

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

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**Sulfur Dioxide Requirements, Cont'd.**

STEP 3, Cont'd.

- (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.

**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;

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

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**Recordkeeping and Reporting Requirements, Cont'd.**

STEP 3, Cont'd.

- (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.

**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

Encogen Generating Station Facility (Source) Name (from STEP 1)
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**Effect on Other Authorities, Cont'd.**

STEP 3, Cont'd.

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.

**Certification**

STEP 4  
 Read the certification statement, sign, and date.

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 Wayne J. Gould, Director, Thermal Resources	
Signature 	Date 14 JUNE 2011

United States Environmental Protection Agency  
 Acid Rain and CAIR Programs

OMB Nos. 2050-0258 and 2060-0570  
 Approval Expires 11/30/2012



# Certificate of Representation

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For more information, see Instructions and 40 CFR 72.74; 40 CFR 96.113, 96.213, or 96.313, or a comparable state regulation under the Clean Air Interstate Rule (CAIR) NO<sub>x</sub>, Annual SO<sub>2</sub>, and NO<sub>y</sub> Ozone Season Trading Programs or 40 CFR 97.113, 97.213, or 97.313.

**FACILITY (SOURCE) INFORMATION**

The submission is:  New  Revised (revised submissions must be complete; see instructions)

**STEP 1**  
 Provide information for the facility (source).

Encogen Generating Station	WA	7870
Facility (Source) Name	State	Plant Code
Whe Locom		
County Name		
48.7160	-122.186	
Latitude	Longitude	

**STEP 2**  
 Enter requested information for the designated representative.

Wayne R. Gould	Director, Thermal Generation
Name	Title
Puget Sound Energy	
Company Name	
10885 NE 4th St, D3304S, Bellevue, WA 98009	
Address	
425.462.3429	
Phone Number	Fax Number
Wayne.gould@pse.com	
Email address	

**STEP 3**  
 Enter requested information for the alternate designated representative.

Chor Angle	Plant Manager
Name	Title
Puget Sound Energy	
Company Name	
1000 Park Lane, Burlington, WA 98233	
Address	
360-786-5524	360-766-5537
Phone Number	Fax Number
Chor.angle@pse.com	
Email address	

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Encogen Generation Station  
Facility (Source Name from Step 1)

**UNIT INFORMATION**

**STEP 4: Complete one page for each unit located at the facility identified in STEP 1 (i.e., for each boiler, simple cycle combustion turbine, or combined cycle turbine). Do not list duct burners. Indicate each program to which the unit is subject, and enter all other unit-specific information, including the name of each owner and operator of the unit and the generator ID number and nameplate capacity of each generator served by the unit. If the unit is subject to a program, then the facility (source) is also subject (for units subject to the NOx Budget Trading Program, a separate "Account Certification" form must be submitted to meet requirements under that program.)**

Applicable Programs:  Acid Rain  CAIR NO<sub>x</sub> Annual  CAIR SO<sub>2</sub>  CAIR NO<sub>x</sub> Ozone Season

Generator ID Number (Manufacturer's designation)	Generator ID Number (CAIR)	CAIR Nameplate Capacity (MW)
GT-1	GT-1	45.4
Unit type	Source Category	NAICS Code
	722112	
Unit owner (or will begin serving any generator producing electricity for sale (business use, generation, utility, etc.))	Check One: Actual <input checked="" type="checkbox"/> Projected <input type="checkbox"/>	
Puget Sound Energy		
Company Name	<input checked="" type="checkbox"/> Owner <input checked="" type="checkbox"/> Operator	
Company Name	<input type="checkbox"/> Owner <input type="checkbox"/> Operator	
Company Name	<input type="checkbox"/> Owner <input type="checkbox"/> Operator	
Company Name	<input type="checkbox"/> Owner <input type="checkbox"/> Operator	
Company Name	<input type="checkbox"/> Owner <input type="checkbox"/> Operator	

Encogen Generating Station

Facility (Source) Name (from Step 1)

**UNIT INFORMATION**

**STEP 4: Complete one page for each unit located at the facility identified in STEP 1 (i.e. for each boiler, simple cycle combustion turbine, or combined cycle combustion turbine). Do not list dual burners. Indicate each program to which the unit is subject, and enter all other unit-specific information, including the name of each owner and operator of the Unit and the generator ID number and nameplate capacity of each generator served by the unit. If the unit is subject to a program, then the facility (source) is also a hybrid T-30r units subject to the NO<sub>x</sub> Budget Trading Program, a separate "Ancillary Representation" form must be submitted to meet requirements under that program.)**

Applicable Program(s):  Acid Rain  CAIR NO<sub>x</sub> Annual  CAIR SO<sub>2</sub>  CAIR NO<sub>x</sub> Ozone Season

Generator ID Number (Maximum 8 characters)	Acid Rain Nameplate Capacity (MWe)	Generator Nameplate Capacity (MWe)
G12	46.4	
Unit ID# _____ Unit Name _____ Unit Type _____ Electric Utility _____ Nameplate Capacity _____ 2011? _____ NACE Code _____ Date unit began (or will begin) generating any generation producing electricity for sale (including test generator): 07/01/2003 Puget Sound Energy Company Name: _____ Company Name: _____ Company Name: _____ Company Name: _____ Company Name: _____		
Check Unit: Actual <input checked="" type="checkbox"/> Projected <input type="checkbox"/>		
Owner: <input checked="" type="checkbox"/> Owner <input checked="" type="checkbox"/> Operator <input type="checkbox"/> Owner <input type="checkbox"/> Operator <input type="checkbox"/> Owner <input type="checkbox"/> Operator <input type="checkbox"/> Owner <input type="checkbox"/> Operator <input type="checkbox"/> Owner <input type="checkbox"/> Operator		

Encogen Generating Station  
Facility (Source) Name (See Section 5.0)

**UNIT INFORMATION**

**STEP 4. Complete one page for each unit located at the facility identified in STEP 1 (i.e., for each boiler, simple cycle combustion turbine, or combined cycle combustion turbine). Do not list dual burners. Indicate each program to which the unit is subject and enter all other unit-specific information, including the name of each owner and operator of the unit and the generator ID number and nameplate capacity of each generator served by the unit. If the unit is subject to a program, then the facility (encogen) is also subject. (For units subject to the NOx Budget Trading Program, a separate "Account Certificate of Representation" form must be submitted to meet requirements under that program.)**

Applicable Program(s):  Acid Rain  CAIR NO<sub>x</sub> Annual  CAIR SO<sub>2</sub>  CAIR NO<sub>x</sub> Ozone Season

Generator ID Number (Maximum 8 characters) (173)	Generator Name/Plate Capacity (MWs)	CAIR Nameplate Capacity (MWs)
		16.4
Unit ID#	Unit Name	Unit Type
	Electric Utility	
	Source Category	
	20112	
	NAICS Code	
Does unit/boiler use oil bearing serving any generator producing electricity for sale (fuel firing fuel generation) (month/year): 07/01/1993	Check One: Actual <input checked="" type="checkbox"/> Projected <input type="checkbox"/>	
Puget Sound Energy		
Company Name:	<input checked="" type="checkbox"/> Owner <input checked="" type="checkbox"/> Operator	
Company Name:	<input type="checkbox"/> Owner <input type="checkbox"/> Operator	
Company Name:	<input type="checkbox"/> Owner <input type="checkbox"/> Operator	
Company Name:	<input type="checkbox"/> Owner <input type="checkbox"/> Operator	
Company Name:	<input type="checkbox"/> Owner <input type="checkbox"/> Operator	

Encogen Generating Station  
Facility (Source) Name (from Step 4)

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

Acid Rain Program

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

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

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

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

I have given a written notice of my selection as the designated representative or alternate designated representative (as applicable) and of the agreement by which I was selected to each owner and operator of the affected source and each affected unit at the source, and

Allowances, and proceeds of transactions involving allowances, will be deemed to be held or distributed in proportion to each holder's legal, equitable, leasehold, or contractual reservation or entitlement, except that, if such multiple holders have expressly provided for a different distribution of allowances, allowances and proceeds of transactions involving allowances will be deemed to be held or distributed in accordance with the contract.

Clean Air Interstate Rule (CAIR) NO<sub>x</sub> Annual Trading Program

I certify that I was selected as the CAIR designated representative or alternate CAIR designated representative (as applicable) by an agreement binding on the owners and operators of the CAIR NO<sub>x</sub> source and each CAIR NO<sub>x</sub> unit at the source (i.e., the source and each unit subject to the CAIR NO<sub>x</sub> Annual Trading Program, as indicated in "Applicable Program(s)" in Step 4).

I certify that I have all necessary authority to carry out my duties and responsibilities under the CAIR NO<sub>x</sub> Annual Trading Program on behalf of the owners and operators of the CAIR NO<sub>x</sub> source and each CAIR NO<sub>x</sub> unit at the source and that each such owner and operator shall be fully bound by my representations, actions, inactions, or submissions.

I certify that the owners and operators of the CAIR NO<sub>x</sub> source and each CAIR NO<sub>x</sub> unit at the source shall be bound by any order issued to me by the Administrator, the permitting authority, or a court regarding the source or unit.

Where there are multiple holders of a legal or equitable title to, or a leasehold interest in, a CAIR NO<sub>x</sub> unit, or where a utility or industrial customer purchases power from a CAIR NO<sub>x</sub> unit under a life-of-the-unit, firm power contractual arrangement, I certify that:

I have given a written notice of my selection as the CAIR designated representative or alternate CAIR designated representative (as applicable) and of the agreement by which I was selected to each owner and operator of the CAIR NO<sub>x</sub> source and each CAIR NO<sub>x</sub> unit at the source, and

CAIR NO<sub>x</sub> allowances and proceeds of transactions involving CAIR NO<sub>x</sub> allowances will be deemed to be held or distributed in proportion to each holder's legal, equitable, leasehold, or contractual reservation or entitlement, except that, if such multiple holders have expressly provided for a different distribution of CAIR NO<sub>x</sub> allowances by contract, CAIR NO<sub>x</sub> allowances and proceeds of transactions involving CAIR NO<sub>x</sub> allowances will be deemed to be held or distributed in accordance with the contract.

Encogen Generating Station  
Facility (Source) Name (from Step 4)

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Clean Air Interstate Rule (CAIR) SO<sub>2</sub> Trading Program

I certify that I was selected as the CAIR designated representative or alternate CAIR designated representative (as applicable) by an agreement binding on the owners and operators of the CAIR SO<sub>2</sub> source and each CAIR SO<sub>2</sub> unit at the source (i.e., the source and each unit subject to the SO<sub>2</sub> Trading Program, as indicated in "Applicable Program(s)" in Step 4).

I certify that I have all necessary authority to carry out my duties and responsibilities under the CAIR SO<sub>2</sub> Trading Program on behalf of the owners and operators of the CAIR SO<sub>2</sub> source and each CAIR SO<sub>2</sub> unit at the source and that each such owner and operator shall be fully bound by my representations, actions, inactions, or submissions.

I certify that the owners and operators of the CAIR SO<sub>2</sub> source and each CAIR SO<sub>2</sub> unit at the source shall be bound by any order issued to me by the Administrator, the permitting authority, or a court regarding the source or unit.

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

I have given a written notice of my selection as the CAIR designated representative or alternate CAIR designated representative (as applicable) and of the agreement by which I was selected to each owner and operator of the CAIR SO<sub>2</sub> source and each CAIR SO<sub>2</sub> unit at the source; and

CAIR SO<sub>2</sub> allowances and proceeds of transactions involving CAIR SO<sub>2</sub> allowances will be deemed to be held or distributed in proportion to each holder's legal, equitable leasehold, or contractual reservation or entitlement, except that, if such multiple holders have expressly provided for a different distribution of CAIR SO<sub>2</sub> allowances by contract, CAIR SO<sub>2</sub> allowances and proceeds of transactions involving CAIR SO<sub>2</sub> allowances will be deemed to be held or distributed in accordance with the contract.

Clean Air Interstate Rule (CAIR) NO<sub>x</sub> Ozone Season Trading Program

I certify that I was selected as the CAIR designated representative or alternate CAIR designated representative (as applicable) by an agreement binding on the owners and operators of the CAIR NO<sub>x</sub> Ozone Season source and each CAIR NO<sub>x</sub> Ozone Season unit at the source (i.e., the source and each unit subject to the CAIR NO<sub>x</sub> Ozone Season Trading Program, as indicated in "Applicable Program(s)" in Step 4).

I certify that I have all necessary authority to carry out my duties and responsibilities under the CAIR NO<sub>x</sub> Ozone Season Trading Program on behalf of the owners and operators of the CAIR NO<sub>x</sub> Ozone Season source and each CAIR NO<sub>x</sub> Ozone Season unit at the source and that each such owner and operator shall be fully bound by my representations, actions, inactions, or submissions.

I certify that the owners and operators of the CAIR NO<sub>x</sub> Ozone Season source and each CAIR NO<sub>x</sub> Ozone Season unit shall be bound by any order issued to me by the Administrator, the permitting authority, or a court regarding the source or unit.

Where there are multiple holders of a legal or equitable title to, or a leasehold interest in, a CAIR NO<sub>x</sub> Ozone Season unit, or where a utility or industrial customer purchases power from a CAIR NO<sub>x</sub> Ozone Season unit under a life-of-the-unit, firm power contractual arrangement, I certify that:

I have given a written notice of my selection as the CAIR designated representative or alternate CAIR designated representative (as applicable) and of the agreement by which I was selected to each owner and operator of the CAIR NO<sub>x</sub> Ozone Season source and each CAIR NO<sub>x</sub> Ozone Season unit; and

CAIR NO<sub>x</sub> Ozone Season allowances and proceeds of transactions involving CAIR NO<sub>x</sub> Ozone Season allowances will be deemed to be held or distributed in proportion to each holder's legal equitable leasehold, or contractual reservation or entitlement, except that, if such multiple holders have expressly provided for a different distribution of CAIR NO<sub>x</sub> Ozone Season allowances by contract, CAIR NO<sub>x</sub> Ozone Season allowances and proceeds of transactions involving CAIR NO<sub>x</sub> Ozone Season allowances will be deemed to be held or distributed in accordance with the contract.

Encogen Generation Station  
Facility (Source Name from Step 1)

Certificate of Representation - Page 5

General

I am authorized to make this submission on behalf of the owners and operators of the source or unit 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 attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Signature (Designated Representative)	Date 17 MARCH 2011
Signature (Alternate Designated Representative)	Date 22 MARCH 2011

## SECTION 7 INAPPLICABLE REQUIREMENTS

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

**Table 7-1 Inapplicable Requirements**

Citation	Title	Basis
NWCAA 324.11	Registration fee	A registration fee under NWCAA 326.43 is not required because this source is subject to the operating permit program and must pay an annual operating fee.
WAC 173-400-101 (7); RCW 70.94.161 (17)	Registration	A Title V air operating permit source is not required to register or pay registration fees.
NWCAA 520.14	Sulfur compounds in fuel	Because the facility is subject to NWCAA Section 460, the 412 ppm or less sulfur per 100 cubic feet of gaseous fuel requirement does not apply.
NWCAA 560	Storage of Organic Liquid	True vapor pressure of distillate fuel (diesel) is inherently less than the 1.5 psia threshold of NWCAA 560.
NWCAA 580 except 580.7	Volatile Organic Compound Control	No applicable sources (580.7 applies to the use of cutback asphalt).
NWCAA 600 through 603	Ambient air quality objectives, areas	These objectives apply to ambient air rather than emissions from a specific source.
WAC 173-400-070	Emission Standards for Certain Source Categories.	No applicable sources.
WAC 173-400-075	Hazardous Air Pollutants	No applicable sources.
WAC 173-400-105 (2)	Monitoring	Requirement for Ecology to conduct ambient monitoring.
WAC 173-490	Emission Standards and Controls for Sources Emitting Volatile Organic Compounds (VOC)	No applicable sources.
40 CFR 60 Subpart D	NSPS for Fossil-Fuel-Fired Steam Generators for Which Construction Is Commenced After August 17, 1971	The turbines have no duct burners. The auxiliary boiler has a heat input rate less than 250 MMBtu/hour.

**Table 7-1 Inapplicable Requirements**

Citation	Title	Basis
40 CFR 60 Subpart Da	NSPS for Electric Utility Steam Generating Units for Which Construction Is Commenced After September 18, 1978	The turbines have no duct burners. The auxiliary boiler has a heat input rate less than 250 MMBtu/hour.
40 CFR 60 Subpart Db	NSPS for Industrial-Commercial-Institutional Steam Generating Units	The turbines have no duct burners. The auxiliary boiler has a heat input rate less than 100 MMBtu/hour.
40 CFR 60 Subpart K	Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978	All petroleum storage tanks were constructed after the May 19, 1978 applicability date of this subpart.
40 CFR 60 Subpart Ka	Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984	All petroleum storage tanks were constructed after the July 23, 1984 applicability date of this subpart.
40 CFR 60 Subpart Kb	Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984	The maximum true vapor pressure for liquids stored in Tanks A, B and C will inherently remain below the 3.5 kPa (0.5 psia) applicability threshold of Subpart Kb because these tanks store only diesel fuel.
40 CFR 61	NESHAP Regulations	No applicable sources.
40 CFR 63 Subpart Q	NESHAP for Industrial Process Cooling Towers	No applicable sources under Subpart Q because PSE Encogen has never used chromium-based water treatment chemicals in their cooling tower.
40 CFR 63 Subpart YYYY	NESHAP for Stationary Combustion Turbines	Source emits less than 10 tpy of a single HAP and less than 25 tpy of total HAPs as determined by a 1993 source testing.
40 CFR 63 Subpart DDDDD	NESHAP for Industrial, Commercial, and Institutional Boilers and Process Heaters	Source emits less than 10 tpy of a single HAP and less than 25 tpy of total HAPs as determined by a 1993 source testing.
40 CFR 63 Subpart JJJJJ	NESHAP for Industrial, Commercial, and Institutional Boilers Area Sources	The auxiliary boiler burns only natural gas and is, therefore, not subject to this subpart.