



Serving Island, Skagit & Whatcom Counties

**ERSHIGS, Inc.
BELLINGHAM, WASHINGTON**

AIR OPERATING PERMIT

FINAL

21 September, 2009

AIR OPERATING PERMIT GENERAL INFORMATION

**Ershigs, Incorporated
742 Marine Drive and
1001 C Street, Building J, Bellingham, WA 98227**

SIC: 3089
EPA AFS NUMBER: 53-073-0040

NWCAA ID NUMBER: 033-V-W

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|-------------------------------------|---------------------------------|
| Air Operating Permit Number: | Issuance Date: |
| 001R2 | September 21, 2009 |
| Permit Modifications: | Modification Date: |
| | |
| Supersedes Permit Number: | Expiration Date: |
| 001R1 | September 21, 2014 |
| Application Date: | Renewal Application Due: |
| July 31, 2007 | September 21, 2013 |

ATTEST

This operating permit is issued in accordance with the provisions of the State of Washington Clean Air Act Chapter 70.94 Revised Code of Washington; the Federal Clean Air Act, 42 United States Code, Section 7401 *et seq*; and Chapter 173-401 Washington Administrative Code.

Ershigs, Inc. is authorized to operate subject to the terms and conditions of this operating permit.

This operating permit has been issued by the undersigned.

Date:

Christos Christoforou, P.E.
Environmental Engineer

Date:

Mark Buford, P.E.
Manager, Engineering

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SECTION 1 EMISSION UNIT IDENTIFICATION

Ershigs, Inc., hereinafter collectively referred to as Ershigs or as the facility or as the permittee, conducts fiberglass fabrication processes at facilities located at 742 Marine Drive and at 1001 C Street, Building J, both in Bellingham, Washington. This section provides a list of the air pollution emission units and their physical characteristics for each process or product handling area. Table 1 describes the fiberglass fabrication processes and the emissions units at the facility.

Table 1 Emission Units at Ershigs, Inc.

| Emission Unit Process Name | Emission Points | Control Device | Process Description |
|---|--|--|---|
| Hand layup including resin mixing | <i>Marine Drive:</i> Building 1 - Stack 1 Building 2 – Stacks 2,3,4 Building 2 – Wall Fan Building 4 – Wall Fans Building 4 – Stacks 5 & 6 <i>C Street:</i> Stack | None None None None None None | Hand layup is a fiberglass fabrication process in which reinforcing fibers are manually applied to a mold wetted with catalyzed resin mix. Reinforcing material and resin mix are layered to build laminate thickness. Squeegees, brushes, and rollers are used to smooth, compact, and shape the product. Hand layup activities emit styrene and smaller quantities of volatile organic compounds released from the resin mixture and cleanup solvent. |
| Spray layup including resin mixing | <i>Marine Drive:</i> Building 1 – Stack 1 Building 2 – Stacks 2,3,4 Building 2 – Wall Fan Building 4 – Wall Fans Outside Areas <i>C Street:</i> Stack | None None None None None None | Spray layup is an open mold fiberglass fabrication process which uses mechanical spraying and chopping equipment for application of resin and reinforcing material. Spray layup activities emit styrene and smaller quantities of volatile organic compounds released from the resin mixture and from cleanup solvents. |
| Filament winding layup including resin mixing | <i>Marine Drive:</i> Building 1 – Stack 1 | None | Filament winding is the process of applying resin-impregnated fibers onto a rotating mandrel surface. Filament winding layup activities emit styrene and smaller quantities of volatile organic compounds released from the resin mixture and from cleanup solvents. |

| Emission Unit Process Name | Emission Points | Control Device | Process Description |
|---|--|--|---|
| Closed Molding Processes including resin mixing | <i>C-Street:</i> Stack | None | Infusion molding involves the use of a vacuum system to pull resin through voids in a specialized mold. Reinforcement material (fiberglass) is placed in the voids before the resin enters the mold. Plastic sheeting is used to seal the mold and compose part of the mold itself (bagging). |
| Cleanup solvent use | <i>Marine Drive:</i> Building 1 - Stack 1 Building 2 – Stacks 2,3,4 Building 2 – Wall Fan Building 4 – Wall Fans Building 4 – Stacks 5 & 6 <i>C-Street:</i> Stack | None None None None None None | Diacetone alcohol (DAA, CAS# 123-42-2) is used in small quantities throughout the layup areas of the facility to wipe parts and to clean tools. Tool cleaning is conducted in unheated non-aerated basins that are equipped with lids. DAA does not contain any HAPs. In addition, for spot-cleaning of molds, limited amounts of Interlux© solvent may be used at the C-Street facility. |
| Composite grinding/sanding | <i>Marine Drive:</i> Building 1 – Bag Filter Building 2 – Wall Fans Building 3 – Bag Filter Building 4 – Wall Fans Outside Areas <i>C-Street:</i> Stack | Bag Filter None Bag Filter None None None | Semi-finished products are ground and sanded as they are prepared for final assembly. Polymer and glass fiber dusts are emitted from these grinding and sanding operations. |

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 132 & 133 (10/13/94), and Section 113 of the FCAA

Civil and criminal penalties may be issued in accordance with the applicable regulations listed above.

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

Civil and criminal penalties may be issued in accordance with the applicable regulations listed above. Under this "State Only" version of NWCAA 132, criminal penalties may be assessed on a "per day, per violation" basis.

Any person who violates the provisions of the applicable chapters of the RCW or the Regulations of the Northwest Clean Air Agency (NWCAA) or aids and abets in a violation shall be subject to civil penalties as stated in the above regulations.

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) (6/8/07)

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 October 1, 2006). 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 173-400-136 (2/10/05)

An emission reduction credit may be used in accordance with the applicable regulation 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 (2/10/05)

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 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
Suite 900, AWT-107
Attn: Air Operating
Permits
1200 Sixth Avenue
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 to be submitted once every six months, covering all required reporting since the date of the last certification, provided that the certification specifically identifies all documents subject to the certification.

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 is 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 the 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.

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)(6/8/07)

In addition to the requirements of 2.4.4.1, the permittee shall report oxides of nitrogen, PM_{2.5}, 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 Reporting to Verify Emissions from Potential PSD Sources

State Only: WAC 173-400-720(4)(b)(iii) (6/8/07)

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 in which the emissions occurred. The report shall include the emissions in tons per year for the project, the baseline actual emissions and the pre-construction projected emissions.

2.4.6 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.

2.4.7 Report of Breakdown and Upset

2.4.7.1 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.

2.4.7.2 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.

2.4.8 Report of Shutdown or Startup

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

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

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

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

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

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

2.4.9 Operation and Maintenance

2.4.9.1 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.

2.4.9.2 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

State Only: 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 (2/10/05 State Only)

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 the 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) (6/8/07)

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(8) (6/8/07)

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)

The permittee shall not produce, process, handle or store any substance listed in 40 CFR 68.130 or any other extremely hazardous substance unless they identify hazards that might result from accidental releases using appropriate hazard assessment techniques, design and maintain a safe facility taking such steps as are necessary to prevent releases, and minimize the consequences of accidental releases that do occur.

Should this stationary source, defined in 40 CFR 68.3 as any buildings, structures, equipment, installations, or substance emitting stationary activities from which an accidental release may occur, be subject or become subject to the accidental release prevention regulations in 40 CFR 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 this permit. The RMP shall be submitted in the method and format to the central point specified by EPA as of the date of submission.

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 173-400-110 (6/20/09), WAC 173-460-010 through -150 (6/20/09), NWCAA 300.1-300.12, 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 (2/10/05) and NWCAA 300.14 (11/8/07)

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 (11/8/07)

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 173-400-710, 720 (6/8/07), WAC 173-400-700, 730, 740 and 750 (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 proposed major stationary source or major modification shall not cause or contribute to a violation of any ambient air quality standard.

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

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

State Only: WAC 173-400-114 (9/15/01), NWCAA 300.13 (11/8/07)

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.

SECTION 3 STANDARD TERMS AND CONDITIONS FOR NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

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 sources" defined in the National Emission Standards for Hazardous Air Pollutants (NESHAP) in 40 CFR 63.2. The affected sources subject to these requirements are identified in Section 5 of this permit. The conditions in this section do not apply generally to all emission units at the facility.

3.1 Address for Reports, Notifications and Submittals

Title 40 CFR 63.9(a)(5/30/03) and 63.10(a)(4/20/06) (as amended by Delegation Letter of 8/31/06 from Richard Albright, Director, EPA Office of Air, Waste, and Toxics to James Randles, Director of NWCAA).

Notifications, reports, and applications for delegated 40 CFR 63 NESHAP shall be sent to the NWCAA at the following address:

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

All NESHAP Subparts referenced in this permit have been delegated to NWCAA. Authority to approve major alternatives to test methods, monitoring, and recordkeeping and reporting have not been delegated to the NWCAA (see 68 Federal Register 37334 published June 23, 2003). Prior to filing an application under any NESHAP regulation that authorizes EPA to approve alternate test methods, monitoring methods, and recordkeeping and reporting, the permittee shall consult with the NWCAA to determine whether the application falls within the scope of NWCAA's delegated authority.

Applications under NESHAP authorities that have been excluded from delegation shall be submitted to the NWCAA at the above address and to the EPA at the following address:

Director, Office of Air, Waste, and Toxics
U.S. EPA Region 10
1200 Sixth Avenue
Seattle WA 98101

3.2 Requirements for Existing, Newly Constructed, and Reconstructed 40 CFR 63 (NESHAP) Sources

40 CFR 63.5(b)(1), (3), (4), (6) (4/5/02)

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

After the effective date of any relevant standard promulgated by the EPA under 40 CFR 63, no person may, without obtaining written approval in advance from the NWCAA in accordance with the procedures in paragraphs (d) and (e) of 40 CFR 63.5, do any of the following:

- i. Construct a new affected source that is major-emitting and subject to such standard;
- ii. Reconstruct an affected source that is major-emitting and subject to such standard;
- iii. Reconstruct a major source such that the source becomes an affected source that is major-emitting and subject to the standard.

After the effective date of any relevant standard promulgated by the EPA under this part, an owner or operator who constructs a new affected source that is not major-emitting or reconstructs an affected source that is not

major-emitting that is subject to such standard, or reconstructs a source such that the source becomes an affected source subject to the standard, must notify the Administrator of the intended construction or reconstruction. The notification must be submitted in accordance with the procedures in 40 CFR 63.9(b).

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

3.3 Notification Requirements for New or Reconstructed Affected Sources for Which an Application for Approval of Construction or Reconstruction is Required

Title 40 CFR 63.9(b)(4)(i) and (v) (5/30/03)

The owner or operator of a new or reconstructed major affected source for which an application for approval of construction or reconstruction is required under 40 CFR 63.5(d) must provide the following information in writing to the NWCAA:

- i. A notification of intention to construct a new major-emitting affected source, reconstruct a major-emitting affected source, or reconstruct a major source such that the source becomes a major-emitting affected source with the application for approval of construction or reconstruction as specified in 40 CFR 63.5(d)(1)(i); and
- ii. A notification of the actual date of startup of the source delivered or postmarked within 15 calendar days after that date.

3.4 Notification Requirements for Affected Sources with Initial Startup Prior to a Standard's Effective Date

Title 40 CFR 63.9(b)(2) and (j) (5/30/03)

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

- i. The name and address of the owner or operator;
- ii. The address (i.e., physical location) of the affected source;
- iii. An identification of the relevant standard, or other requirement that is the basis of notification and the source's compliance date;
- iv. A brief description of the nature, size, design, and method of operation of the source and an identification of the types of emission points within the affected source subject to the relevant standard and the types of hazardous air pollutants emitted; and
- v. A statement of whether the affected source is a major source or an area source.

Any change in the information provided under this section shall be provided to the Administrator in writing within 15 calendar days after the change.

3.5 Startup, Shutdown, and Malfunction Record Retention

Title 40 CFR 63.10(b)(2)(vi)-(xiv) (4/20/06)

The owner or operator of an affected source subject to the provisions of this part shall maintain relevant records for such source of—

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

- ii. All required measurements needed to demonstrate compliance with a relevant standard (including, but not limited to, 15-minute averages of CMS data, raw performance testing measurements, and raw performance evaluation measurements, that support data that the source is required to report);

(A) This paragraph applies to owners or operators required to install a continuous emissions monitoring system (CEMS) where the CEMS installed is automated, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. An automated CEMS records and reduces the measured data to the form of the pollutant emission standard through the use of a computerized data acquisition system. In lieu of maintaining a file of all CEMS sub-hourly measurements as required under paragraph (b)(2)(vii) of this section, the owner or operator shall retain the most recent consecutive three averaging periods of sub-hourly measurements and a file that contains a hard copy of the data acquisition system algorithm used to reduce the measured data into the reportable form of the standard.

(B) This paragraph applies to owners or operators required to install a CEMS where the measured data is manually reduced to obtain the reportable form of the standard, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. In lieu of maintaining a file of all CEMS sub-hourly measurements as required under paragraph (b)(2)(vii) of this section, the owner or operator shall retain all sub-hourly measurements for the most recent reporting period. The sub-hourly measurements shall be retained for 120 days from the date of the most recent summary or excess emission report submitted to the Administrator.

(C) The NWCAA, upon notification to the source, may require the owner or operator to maintain all measurements as required by paragraph (b)(2)(vii), if the NWCAA determines these records are required to assess more accurately the compliance status of the affected source.

- iii. All results of performance tests, CMS performance evaluations, and opacity and visible emission observations;
- iv. All measurements as may be necessary to determine the conditions of performance tests and performance evaluations;
- v. All CMS calibration checks;
- vi. All adjustments and maintenance performed on CMS;
- vii. Any information demonstrating whether a source is meeting the requirements for a waiver of recordkeeping or reporting requirements under this part, if the source has been granted a waiver under paragraph (f) of this section;
- viii. All emission levels relative to the criterion for obtaining permission to use an alternative to the relative accuracy test, if the source has been granted such permission under 40 CFR 63.8(f)(6); and
- ix. All documentation supporting initial notifications and notifications of compliance status under 40 CFR 63.9.

3.6 Prohibited Activities and Circumvention

Title 40 CFR 63.4 (4/5/02)

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

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

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

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

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

3.7 Operation and Maintenance

40 CFR 63.6(e)(1) and (e)(2) (4/20/06)

At all times, including periods of startup, shutdown, and malfunction, the owner or operator must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. During a period of startup, shutdown, or malfunction, this general duty to minimize emissions requires that the owner or operator reduce emissions from the affected source to the greatest extent which is consistent with safety and good air pollution control practices. The general duty to minimize emissions during a period of startup, shutdown, or malfunction does not require the owner or operator to achieve emission levels that would be required by the applicable standard at other times if this is not consistent with safety and good air pollution control practices, nor does it require the owner or operator to make any further efforts to reduce emissions if levels required by the applicable standard have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures (including the startup, shutdown, and malfunction plan required in 40 CFR 63.6(e)(3)), review of operation and maintenance records, and inspection of the source.

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

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

3.8 Compliance with non-Opacity Emission Standards

40 CFR 63.6(f)(2) and (3) (4/20/06)

The Administrator will determine compliance with nonopacity emission standards in this part based on the results of performance tests conducted according to the procedures in 40 CFR 63.7, unless otherwise specified in an applicable subpart of 40 CFR 63.

The Administrator will determine compliance with nonopacity emission standards in this part by evaluation of an owner or operator's conformance with operation and maintenance requirements, including the evaluation of monitoring data, as specified in 40 CFR 63.6(e) and applicable subparts of 40 CFR 63.

If an affected source conducts performance testing at startup to obtain an operating permit in the State in which the source is located, the results of such testing may be used to demonstrate compliance with a relevant standard if—

- i. The performance test was conducted within a reasonable amount of time before an initial performance test is required to be conducted under the relevant standard;
- ii. The performance test was conducted under representative operating conditions for the source;

- iii. The performance test was conducted and the resulting data were reduced using EPA-approved test methods and procedures, as specified in 40 CFR 63.7(e) of this subpart; and
- iv. The performance test was appropriately quality-assured, as specified in 40 CFR 63.7(c).

The Administrator will determine compliance with design, equipment, work practice, or operational emission standards in 40 CFR 63 by review of records, inspection of the source, and other procedures specified in applicable subparts of 40 CFR 63.

The Administrator will determine compliance with design, equipment, work practice, or operational emission standards in 40 CFR 63 by evaluation of an owner or operator's conformance with operation and maintenance requirements, as specified in paragraph 40 CFR 63.6(e) of this section and applicable subparts of 40 CFR 63.

The Administrator will make a finding concerning an affected source's compliance with a non-opacity emission standard, as specified in paragraphs 40 CFR 63.6(f)(1) and (2) of this section, upon obtaining all the compliance information required by the relevant standard (including the written reports of performance test results, monitoring results, and other information, if applicable), and information available to the Administrator pursuant to paragraph 40 CFR 63.6(e)(1)(i) of this section.

3.9 Use of an alternative nonopacity emission standard.

40 CFR 63.6(g)(1)-(3) (4/20/06)

If, in the Administrator's judgment, an owner or operator of an affected source has established that an alternative means of emission limitation will achieve a reduction in emissions of a hazardous air pollutant from an affected source at least equivalent to the reduction in emissions of that pollutant from that source achieved under any design, equipment, work practice, or operational emission standard, or combination thereof, established under 40 CFR 63 pursuant to section 112(h) of the Act, the Administrator will publish in the Federal Register a notice permitting the use of the alternative emission standard for purposes of compliance with the promulgated standard. Any Federal Register notice under this paragraph shall be published only after the public is notified and given the opportunity to comment. Such notice will restrict the permission to the stationary source(s) or category(ies) of sources from which the alternative emission standard will achieve equivalent emission reductions. The Administrator will condition permission in such notice on requirements to assure the proper operation and maintenance of equipment and practices required for compliance with the alternative emission standard and other requirements, including appropriate quality assurance and quality control requirements, that are deemed necessary.

An owner or operator requesting permission under this paragraph shall, unless otherwise specified in an applicable subpart, submit a proposed test plan or the results of testing and monitoring in accordance with 40 CFR 63.7 and 40 CFR 63.8, a description of the procedures followed in testing or monitoring, and a description of pertinent conditions during testing or monitoring. Any testing or monitoring conducted to request permission to use an alternative nonopacity emission standard shall be appropriately quality assured and quality controlled, as specified in 40 CFR 63.7 and 40 CFR 63.8.

The Administrator may establish general procedures in an applicable subpart that accomplish the requirements of paragraphs 40 CFR 63.6(g)(1) and (g)(2).

3.10 Extension of Compliance for Early Reductions and Other Reductions

40 CFR 63.6(i)(1)-(14), 40 CFR 63.6(i)(16) (4/20/06) and 63.9(c) (5/30/03)

Until an extension of compliance has been granted by the NWCAA under this paragraph, the owner or operator of an affected source subject to the requirements of this section shall comply with this part's applicable requirements. A compliance extension may be possible if it meets 63.6(i)(4) through 63.6(i)(6).

3.11 Conduct of Performance Tests

40 CFR 63.7(e) (5/16/07)

Performance tests shall be conducted under such conditions as the Administrator specifies to the owner or operator based on representative performance (i.e., performance based on normal operating conditions) of the affected source. Operations during periods of startup, shutdown, and malfunction shall not constitute

representative conditions for the purpose of a performance test, nor shall emissions in excess of the level of the relevant standard during periods of startup, shutdown, and malfunction be considered a violation of the relevant standard unless otherwise specified in the relevant standard or a determination of noncompliance is made under 40 CFR 63.6(e). Upon request, the owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of performance tests.

Performance tests shall be conducted and data shall be reduced in accordance with the test methods and procedures set forth in this section, in each relevant standard, and, if required, in applicable appendices of parts 51, 60, 61, and 63 of this chapter unless the Administrator—

- i. Specifies or approves, in specific cases, the use of a test method with minor changes in methodology (see definition in 40 CFR 63.90(a)). Such changes may be approved in conjunction with approval of the site-specific test plan (see paragraph (c) of this section); or
- ii. Approves the use of an intermediate or major change or alternative to a test method (see definitions in 40 CFR 63.90(a)), the results of which the Administrator has determined to be adequate for indicating whether a specific affected source is in compliance; or
- iii. Approves shorter sampling times or smaller sample volumes when necessitated by process variables or other factors; or
- iv. Waives the requirement for performance tests because the owner or operator of an affected source has demonstrated by other means to the Administrator's satisfaction that the affected source is in compliance with the relevant standard.

Unless otherwise specified in a relevant standard or test method, 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 relevant standard. For the purpose of determining compliance with a relevant standard, the arithmetic mean of the results of the three runs shall apply. Upon receiving approval from the Administrator, results of a test run may be replaced with results of an additional test run in the event that—

- i. A sample is accidentally lost after the testing team leaves the site; or
- ii. Conditions occur in which one of the three runs must be discontinued because of forced shutdown; or
- iii. Extreme meteorological conditions occur; or
- iv. Other circumstances occur that are beyond the owner or operator's control.

Nothing in paragraphs (e)(1) through (e)(3) of this section shall be construed to abrogate the Administrator's authority to require testing under section 114 of the Act.

3.12 Maintenance of Records

40 CFR 63.10(b)(1) (4/20/06)

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

SECTION 4 GENERALLY APPLICABLE REQUIREMENTS

The cited requirements in the second column of Table 2 and incorporated herein by reference are applicable plant-wide at the source, including insignificant emission units. The third column of Table 2 is a brief description of the applicable requirements for informational purposes only and is not enforceable. The test method cited or any credible evidence may be used to determine compliance. The fourth column identifies monitoring, recordkeeping and reporting obligations the source must perform as required by WAC 173-401-605(1) and 615(1) and (2) and is enforceable. The requirements in the MR&R column labeled “directly enforceable” are legally enforceable requirements added under the NWCAA’s “gap filling” authority.

Insignificant emission units are exempt from monitoring, recordkeeping and reporting unless specifically required under the State Implementation Plan.

Table 2 Generally Applicable Requirements

| Permit Term | Citation | Description | Monitoring / Recordkeeping / Reporting |
|----------------|---|--|---|
| 4.1 General | NWCAA 342.1 (7/14/05-State Only) | <u>Operation and Maintenance</u> Sources are required to keep any process and/or air pollution control equipment in good operating condition and repair. | Monitor, keep records and report in accordance with the terms of this permit. Maintain operating instructions and maintenance schedules on site. Certify compliance with this requirement semiannually. Directly Enforceable |
| 4.2 General | NWCAA 342.2 (7/14/05-State Only) | <u>Operation Instructions and Maintenance Schedules</u> Make operating instructions and maintenance schedules available to operators | |
| 4.3 General | NWCAA 342.2 (9/8/93) | | |
| 4.4 PM | NWCAA 550 (4/14/93) NWCAA 550 (11/8/07 State Only) | <u>Preventing Particulate Matter from Becoming Airborne</u> Reasonably Available Control Technology to prevent the release of fugitive matter to the ambient air required. Nuisance particulate fallout prohibited. | Within one hour of receiving a nuisance complaint from the NWCAA or the public, all possible sources of nuisance emissions at the facility shall be checked for proper operation and actions taken to reduce emissions or change equipment operations suspected by the owners and operators of causing nuisance complaints. The date and time of inspection, results of the inspection, identification of any malfunctioning equipment or aberrant operation, actions taken, and the date and time of repair or mitigation shall be recorded in a logbook. Submit a report to the NWCAA every six months with a copy of the data logged and response actions taken during the past six month period. Receipt of a nuisance complaint in itself shall not necessarily be a violation. Directly Enforceable |
| 4.5 PM | WAC 173-400-040(2) (9/20/93) WAC 173-400-040(2) (2/10/05-State Only) | <u>Fallout Nuisance</u> Particulate fallout prohibited. | |

| Permit Term | Citation | Description | Monitoring / Recordkeeping / Reporting |
|-------------|---|---|---|
| 4.6 PM | WAC 173-400-040(3)(a) (9/20/93) WAC 173-400-040(3)(a) (2/10/05-State Only) | <u>Fugitive Emissions for Attainment Areas</u> Taking reasonable precautions to prevent release of air contaminants required. | Grinding work shall be performed indoors unless (1) the area undergoing minor repair or change is enclosed in a plastic shelter to contain fiberglass dust within the enclosure, or, (2) where repair involves surface gouges or minor buffing, or the location is extremely difficult or dangerous to access, plastic must be placed under the area under repair or change to collect grinding dust. Dust will be vacuumed or removed from the inside of the enclosure and from any plastic upon completion of the work. |
| 4.7 PM | WAC 173-400-040(8)(a) (9/20/93) WAC 173-400-040(8)(a) (2/10/05-State Only) | <u>Fugitive Dust Sources</u> Reasonable precautions to prevent release of fugitive dust required. Maintain and operate source to minimize emissions. | The date, description, and duration of any outdoors grinding activities must be recorded in a logbook. Directly enforceable. |

| Permit Term | Citation | Description | Monitoring / Recordkeeping / Reporting |
|-------------|--|---|--|
| 4.8 PM | NWCAA 451.1 (11/8/07-State Only) | <u>Emission of Air Contaminant - Visual Standard</u> Opacity greater than 20% for any period aggregating more than 3 minutes in any one hour prohibited. | <p>Exhaust systems service areas associated with composite grinding or sanding shall be operated at all times during working hours, excluding two daily scheduled breaks and lunch period.</p> <p>Inspect particulate emission points monthly for visible emissions by visual observation. Any visible emissions detected shall be reduced to zero opacity or monitored by Ecology Method 9A as soon as possible and no later than six hours after detection. Results of monthly inspections, any periods of opacity greater than zero, any related equipment or operational failure, the identification of the affected emissions unit and location, the dates of occurrence and the action taken to resolve the problem(s) shall be logged. Report this information to the NWCAA every six months for the previous six month period.</p> |
| 4.9 PM | NWCAA 451.1 (10/13/94) | | |
| 4.10 PM | WAC 173-400-040(1) (9/20/93) WAC 173-400-040(1) (2/10/05-State Only) | <u>Visible Emissions</u> Opacity greater than 20% for any period aggregating more than 3 minutes in any one hour prohibited. | |
| 4.11 PM | NWCAA 455.1 (5/11/95-State Only) | <u>Emission of Particulate Matter</u> Particulate emissions greater than 0.10 grain/dscf prohibited. | |
| 4.12 PM | NWCAA 455.1 (4/14/93) | | |
| 4.13 PM | NWCAA 455.11 (5/11/95-State Only) | <u>Emission of Particulate Matter</u> From all gaseous and distillate fuel burning equipment, emissions shall not exceed 0.05 grain/dscf corrected to 7% oxygen. | |
| 4.14 PM | NWCAA 455.11 (4/14/93) | | |
| 4.15 PM | WAC 173-400-060 (2/10/05-State Only) | <u>Emission Standards for General Process Units</u> Particulate emissions greater than 0.1 grain/dscf prohibited. | |
| 4.16 PM | WAC 173-400-060 (3/22/91) | | |
| 4.17 PM | WAC 173-400-050(1) (3/22/91) WAC 173-400-050(1) (2/10/05-State Only) | <u>Emission Standards for Combustion and Incineration Units</u> Particulate emissions from combustion units greater than 0.1 grain/dscf prohibited. | |
| 4.18 PM | WAC 173-400-050(3) (2/10/05-State Only) | <u>Concentration Correction</u> Particulate emissions from combustion units shall be corrected to 7% oxygen unless NWCAA approves alternate. | |

| Permit Term | Citation | Description | Monitoring / Recordkeeping / Reporting |
|-------------------------|--|--|--|
| 4.19 SO ₂ | NWCAA 462 (3/13/97 State Only) | <u>Emission of Sulfur Compounds</u> Sulfur compounds emitted greater than 1000 ppm for a sixty minute period prohibited. | Only natural gas may be used at the stationary source facility. Directly Enforceable |
| 4.20 SO ₂ | NWCAA 462 (4/14/92) | | |
| 4.21 SO ₂ | WAC 173-400-040(6) (8/20/93 2 nd paragraph of this citation is State Only) | <u>Sulfur Dioxide</u> Sulfur compounds calculated as sulfur dioxide and corrected to 7% oxygen emitted greater than 1000 ppmdv average for a sixty consecutive minute period prohibited. | |
| 4.22 SO ₂ | NWCAA 520 (4/14/93) NWCAA 520 (5/9/96-State Only) | <u>Sulfur Compounds in Fuel</u> Prohibited to burn fuel containing sulfur in excess of the following: #1 distillate-0.3%; #2 distillate-0.5%; other fuel oils-2.0%; gaseous fuels-412 ppm@stp; solid fuels-2.0% | |
| 4.23 General | NWCAA 530 (3/13/97-State Only) | <u>General Nuisance</u> Discharge of air contaminants that unreasonably interfere with use and enjoyment of property prohibited. | Within one hour of receiving a nuisance complaint from the NWCAA or the public, all possible sources of nuisance emissions at the facility shall be checked for proper operation and actions taken to reduce emissions or change equipment operations suspected by the owners and operators of causing nuisance complaints. The date and time of inspection, results of the inspection, identification of any malfunctioning equipment or aberrant operation, actions taken, and the date and time of repair or mitigation shall be recorded in a logbook. Submit a report to the NWCAA every six months with a copy of the data logged and response actions taken during the past six month period. Receipt of a nuisance complaint in itself shall not necessarily be a violation. Directly enforceable |
| 4.24 General | WAC 173-400-040(4) (9/20/93) WAC 173-400-040(4) (2/10/05-State Only) | <u>Odors</u> Off-site nuisance odors prohibited. | |
| 4.25 General | WAC 173-400-040(5) (8/20/93) | <u>Emission Detrimental to Persons or Property</u> Emissions detrimental to health or property prohibited. | |

| Permit Term | Citation | Description | Monitoring / Recordkeeping / Reporting |
|-----------------|------------------------------------|---|---|
| 4.26 General | NWCAA 535.1 (3/9/00-State Only) | <p><u>Odor Control Measures</u></p> <p>During working hours make-up air and exhaust volume shall be controlled such that indoor layup areas are continuously maintained at 0.025 inches water column vacuum or greater except during periods of ingress or egress of products, materials or personnel. Failure to maintain vacuum shall be considered excused from penalty if the failure is due to an upset or breakdown that meets the criteria of NWCAA Regulation section 340.4.</p> <p>All layup shall be performed indoors unless specific prior written permission is obtained from the NWCAA with the exception that finish or touchup layup may occur outdoors for less than one hour per shift. All containers of resins, solvents or any other volatile material shall be tightly covered at all times the material is not in use.</p> | <p>Layup area static pressure shall be monitored and the results logged at least once each working day. Static pressure shall be monitored and the results logged at least once every two hours while supplemental ventilation is provided via open doorways. Signs at each external door shall indicate this requirement.</p> <p>The date and duration of any layup performed outdoors shall be recorded in a logbook.</p> <p>Directly enforceable</p> |
| 4.27 | WAC 173-401-615(3) (10/4/93) | <p><u>Required Monitoring Report</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.</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 reports shall cover January through June and July through December, and annual reports shall cover a calendar year.</p> <p>The reports shall be submitted within 30 days after the close of the period that the reports cover.</p> <p>Directly enforceable.</p> |

SECTION 5 SPECIFICALLY APPLICABLE REQUIREMENTS

The cited requirements in the “Citation” column of Table 3 incorporated herein by reference are applicable only to specific sources. These requirements are federally enforceable unless identified as “state only.” A requirement designated “state only” is enforceable only by the state, and not by the EPA or through citizen suits. The “Description” column of Table 3 is a brief description of the applicable requirements for informational purposes only and is not enforceable. Where there is a “test method” column in the table, the text in the column identifies (when appropriate) the test method associated with the applicable requirement as required by WAC 173-401-615(1)(a). Periodic or continuous monitoring requirements (including testing) are specified in the “Monitoring/Recordkeeping/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 requirements. The requirements in the MR&R column labeled “directly enforceable” are legally enforceable requirements added under the NWCAA’s “gap-filling” authority. 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 3 Specifically Applicable Requirements

| Permit Term | Citation | Description | Monitoring/Recordkeeping/Reporting |
|--|---|--|---|
| Conditions 5.1 – 5.4 apply to open mold fiberglass operations at both the Marine Drive and C Street Ershigs facilities | | | |
| 5.1 HAP | 40 CFR 63.5797, (4/21/03) 40 CFR 63.5915(c) (8/25/05) 40 CFR 63.5920 (4/21/03) | <u>Determining HAP content of resins:</u> Ershigs may use MSDS provided by the manufacturer to establish the organic HAP content of resins. Carcinogens (as defined by OSHA) must be added at the 0.1% by mass level, and other organic HAP compounds must be added at the 1% by mass level. If HAP content is provided as a range, the upper end of the range must be used. | Keep records of all data, assumptions, and calculations performed to determine the organic HAP content of resins used. Maintain records as specified in 40 CFR 63.10(b)(1). |
| 5.2 HAP | 40 CFR 63.5800, (4/21/03) 40 CFR 63.5860(a), (4/21/03) Tables 2(1), 8(1), and 9(2)-(3), 9(6)- (8) to Subpart WWWW of Part 63 | <u>Initial Compliance:</u> Ershigs must comply with the standards of Subpart WWWW of Part 63 beginning on April 21, 2006. | Ershigs must begin collecting data on April 21, 2006 (the compliance date) in order to demonstrate initial compliance. |

| Permit Term | Citation | Description | Monitoring/Recordkeeping/Reporting |
|-------------|--|---|--|
| 5.3 HAP | 40 CFR 63.5805(b), (8/25/05) 40 CFR 63.5810 (8/25/05) 40 CFR 63.5895(c), (8/25/05) 40 CFR 63.5900(a)(2), (4/20/06) 40 CFR 63.5900(b)-(c), (4/20/06) 40 CFR 63.5910(a)-(d), (h), (i) (8/25/05) 40 CFR 63.5915(a), (8/25/05) 40 CFR 63.5915(c), (8/25/05) 40 CFR 63.5920, (4/21/03) Tables 1, 3, 7 and 14 to 40 CFR 63 subpart WWWW | Ershigs must use one of the methods in paragraphs (A) through (D) of this permit term to meet the standards for open molding operations in Table 3 to 40 CFR 63 subpart WWWW. Ershigs may use any control method that reduces organic HAP emissions, including reducing resin and gel coat organic HAP content, changing to non-atomized mechanical application, using covered curing techniques, and routing part or all of the emissions to an add-on control. Ershigs may use different compliance options for the different operations listed in Table 3 to 40 CFR 63 subpart WWWW. Ershigs may switch between the compliance options in paragraphs (A) through (D) below: (A) Demonstrate that an individual resin or gel coat, as applied, meets the applicable emission limit in Table 3 to 40 CFR 63 subpart WWWW. Follow the methods outlined in 40 CFR 63.5810(a). (B) Demonstrate that, on average, you meet the individual organic HAP emissions limits for each combination of operation type and resin application method or gel coat type. Follow the methods outlined in 40 CFR 63.5810(b). (C) Demonstrate compliance with a weighted average emission limit. Follow the methods outlined in 40 CFR 63.5810(c). (D) Meet the organic HAP emissions limit for one application method and use the same resin(s) for all application methods of that resin type. Follow the methods outlined in 40 CFR 63.5810(d) | When Ershigs changes to an option based on a 12-month rolling average, they must base the average on the previous 12 months of data calculated using the compliance option they are changing to, unless an option that did not require maintenance of records of resin and gel coat use was previously used. In this case, Ershigs must immediately begin collecting resin and gel coat use data and demonstrate compliance 12 months after changing options. Ershigs must keep records of all data, assumptions, and calculations performed to determine the organic HAP emission factors and submit semi-annual compliance reports containing information as outlined in 40 CFR §63.5910. The necessary calculations must be completed within 30 days after the end of each month. Submit a statement with the semi-annual compliance report that the facility meets the appropriate organic HAP emission limits. Include each deviation from the requirements of emission standards with the semi-annual compliance report. Submit compliance reports based on the requirements in Table 14 to 40 CFR 63 subpart WWWW. Where multiple compliance options are available, Ershigs must state in their next compliance report if compliance options have changed since their last compliance report. |

| Permit Term | Citation | Description | Monitoring/Recordkeeping/Reporting |
|--|---|--|---|
| 5.4 HAP | 40 CFR 63.5805(b), (8/25/05) 40 CFR 63.5900(a)(4), (4/20/06) 40 CFR 63.5900(b)-(c), (4/20/06) 40 CFR 63.5910(a)-(d), (8/25/05) 40 CFR 63.5915(a), (8/25/05) 40 CFR 63.5915(d), (8/25/05) 40 CFR 63.5920, (4/21/03) Table 4 to Subpart WWW of Part 63 | Work Practice Standards: Ershigs must be in compliance at all times with the following work practice standards: (a) cleaning solvents may contain no HAP except that organic HAP containing cleaners may be used to clean cured resin from application equipment. (b) vessels with HAP-containing material must be covered at all times except when material is being added or removed from them. (c) mixing equipment must have covers with no visible gaps except around shafts or instrumentation, when 1 inch gaps are permissible. Vents must be closed during mixing, except when material is added. Covers must be on at all times except when material is added in the mixer. | Perform work practice standards as applicable and submit a certified statement in the semi-annual compliance reports that the source is in compliance with applicable work practice standards. Include each deviation from the requirements of work practice standards with the semi-annual compliance report. |
| Conditions 5.5 – 5.19 apply to the Ershigs C Street facility | | | |
| 5.5 HAP | OAC 1014 Conditions 1, 7, and 17, 3/18/08 | Resins used for closed (vacuum-assisted resin infusion) molding operations shall not contain more than 52.0 percent by weight hazardous air pollutants (HAP), including but not limited to styrene or methyl methacrylate (MMA). | Record styrene content, quantity and type of molding operation of all resins used. Maintain records for at least five years and make them available for inspection by the NWCAA personnel. |
| 5.6 HAP | OAC 1014 Conditions 2, 7, and 17, 3/18/08 | Organic HAP emissions from open molding operations consisting of mechanical application of corrosion-resistant and/or high strength (CR/HS) resin shall not exceed 102 pound per ton of neat resin plus and neat gel coat plus on a 12-month rolling average as determined by the equations in 40 CFR 63.5810(c). | Record styrene content, quantity and type of molding operation of all resins used. Maintain records for at least five years and make them available for inspection by the NWCAA personnel. |

| Permit Term | Citation | Description | Monitoring/Recordkeeping/Reporting |
|-------------|---|---|---|
| 5.7 HAP | OAC 1014 Conditions 3, 7, and 17, 3/18/08 | Organic HAP emissions from open molding operations consisting of manual, hand-layup application of corrosion-resistant and/or high strength (CR/HS) resin shall not exceed 111 pound per ton of neat resin plus and neat gel coat plus on a 12-month rolling average as determined by the equations in 40 CFR 63.5810(c). | Record styrene content, quantity and type of molding operation of all resins used. Maintain records for at least five years and make them available for inspection by the NWCAA personnel. |
| 5.8 HAP | OAC 1014 Conditions 4, 8, and 17, 3/18/08 | Emissions of styrene from the C-Street facility shall not exceed 146 pounds per calendar day. Compliance with this requirement shall be based on emission factors contained in Table 1 of 40 CFR 63 Subpart WWWW, and may be demonstrated by either of the following methods: Ershigs shall be deemed to be in compliance with this requirement on each day that the C-Street facility applies no more than each of the following: 5,000 pounds of resin for closed (vacuum-assisted resin infusion) molding operations; 1,200 pounds of resin for open (mechanical, spray layup with vapor suppression) molding operations; and 1,000 pounds of resin for open (manual, hand layup) molding operations. Ershigs shall compute pounds of styrene emitted for each calendar day by inputting actual daily values for resin usage, styrene content, and vapor suppressant content for each operation into the appropriate emission factors in Table 1 of 40 CFR 63 Subpart WWWW. Calculated styrene emissions for each calendar day shall be available no later than 30 days after the end of each month during which the resins were used. | Record quantities and types of resins applied at each resin operation. Maintain records for at least five years and make them available for inspection by the NWCAA personnel. |
| 5.9 HAP | OAC 1014 Conditions 5 and 8, 3/18/08 | Ershigs shall use no more than 14.0 gallons of DAA solvent per calendar day. | Record quantity (gallons) of DAA solvent consumed per day. Maintain records for at least five years and make them available for inspection by the NWCAA personnel. |

| Permit Term | Citation | Description | Monitoring/Recordkeeping/Reporting |
|------------------|---|---|--|
| 5.10 HAP | OAC 1014 Conditions 6 and 8, 3/18/08 | Ershigs shall use no more than 8 gallons of Interlux® solvent per calendar day. | Record quantity (gallons) of Interlux solvent consumed per day. Maintain records for at least five years and make them available for inspection by the NWCAA personnel. |
| 5.11 HAP | OAC 1014 Conditions 9 and 17, 3/18/08 | <p>Enclosure requirements:</p> <p>All resin application and grinding or cutting operations shall be done within enclosed area(s) that are equipped with fans and ductwork that exhaust all emissions through vertical stacks;</p> <p>All area(s) that are equipped for spray-application or grinding or cutting of composites shall be equipped with panel filters designed to control overspray from resin application and gauges to measure the pressure drop across the exhaust filters. The acceptable range for each filtration panel shall be determined by filter manufacturer recommendation, and shall be posted on or near the pressure drop gauge; and</p> <p>Ershigs shall survey the C-Street facility on an annual basis to verify compliance with permanent total enclosure criteria in EPA Method 204. Each survey shall include taking actual measurements of all gaps and openings in the building (natural draft openings) and measurement of flowrate of the building ventilation fan(s). Data, calculations and results shall be recorded.</p> | Maintain records for at least five years and make them available for inspection by the NWCAA personnel. |
| 5.12 Odor | OAC 1014 Condition 10, 3/18/08 | Doors and windows of the C-Street facility shall remain closed except during ingress and egress of personnel or materials. | |
| 5.13 Odor | OAC 1014 Condition 11, 3/18/08 | Odors from the facility shall not result in a nuisance at or beyond the property boundary as determined by the NWCAA staff. | |
| 5.14 Nuisance | OAC 1014 Condition 12, 3/18/08 | Outdoor layup, grinding, or cutting of composites is prohibited. | |

| Permit Term | Citation | Description | Monitoring/Recordkeeping/Reporting |
|-----------------|--|--|--|
| 5.15 HAP/VOC | OAC 1014 Condition 13, 3/18/08 | Equipment designed for minimizing evaporation must be employed for collecting solvents used for cleanup of spray equipment, including resin lines and solvent flushed through spray equipment and lines. | |
| 5.16 VOC | OAC 1014 Condition 14, 3/18/08 | All containers for storage or disposal of VOC containing materials shall be kept closed except when being cleaned or when materials are being added. | |
| 5.17 O&M | OAC 1014 Conditions 15 and 17, 3/18/08 | <p>Ershigs shall perform and record inspections, as described below, no less frequently than once each day for each spray lay-up booth or area that is operating.</p> <p>Check dry exhaust filters for full coverage (no gaps or openings during operation);</p> <p>Check for proper fan operation;</p> <p>Check resin application area and spray coating room exhaust filters pressure drop gauge readings for operation in the acceptable range; and</p> <p>Ensure that closed containers are used for storage or disposal of VOC-containing materials and wastes.</p> | <p>Keep records of inspections.</p> <p>Maintain records for at least five years and make them available for inspection by the NWCAA personnel.</p> |
| 5.18 O&M | OAC 1014 Condition 16, 3/18/08 | Ershigs shall correct any problems identified during scheduled inspections or at any other time, as soon as possible but not later than the start of the next work shift after identification or shut down the unit or activity until it can be repaired. A non-operative pressure drop gauge may be taken as prima facie evidence that a spray lay-up booth or area is operating out of compliance with this Condition. | |
| 5.19 General | OAC 1014 Condition 18, 3/18/08 | A written notification confirming startup date of any new equipment shall be submitted to NWCAA within 10 business days of initial startup of that equipment. | |

SECTION 6 INAPPLICABLE REQUIREMENTS

The regulations identified in Table 4 do not apply to the Ershigs Bellingham Facility as of the date of permit issuance. The basis for this determination is listed in Table 4.

Table 4 Inapplicable Requirements

| Citation | Title | Basis |
|--------------------|---|--|
| WAC 173-400-070 | Emission Standards for Certain Source Categories. | No sources affected by this rule are present at the Ershigs, Inc. Bellingham Facilities. |
| WAC 173-400-040(6) | Sulfur Dioxide | No sources affected by this rule are present at the Ershigs, Inc. Bellingham Facilities. |
| WAC 173-433 | Solid Fuel Burning Devices. | No sources affected by this rule are present at the Ershigs, Inc. Bellingham Facilities. |
| WAC 173-434 | Solid Waste Incinerator Facilities. | No sources affected by this rule are present at the Ershigs, Inc. Bellingham Facilities. |
| WAC 173-491 | Controls for Sources Emitting Gasoline Vapors. | No sources affected by this rule are present at the Ershigs, Inc. Bellingham Facilities. |
| 40 CFR 72 | Permits (Title IV, Acid Rain). | No sources affected by these rules are present at the Ershigs, Inc. Bellingham Facilities. |
| 40 CFR 73 | Sulfur Dioxide Allowance System. | No sources affected by these rules are present at the Ershigs, Inc. Bellingham Facilities. |
| NWCAA 410 | Sulfur Oxide Standards | No sources affected by these rules are present at the Ershigs, Inc. Bellingham Facilities. |
| NWCAA 458 | Incinerators - Wood Waste Burners | No sources affected by these rules are present at the Ershigs, Inc. Bellingham Facilities. |
| NWCAA 460 | Weight/Heat Rate Standard | No sources affected by these rules are present at the Ershigs, Inc. Bellingham Facilities. |
| NWCAA 462 | Emission of Sulfur Compounds | No sources affected by these rules are present at the Ershigs, Inc. Bellingham Facilities. |
| NWCAA 480 | Solid Fuel Burning Device Standards | No sources affected by these rules are present at the Ershigs, Inc. Bellingham Facilities. |
| NWCAA 504 | Outdoor Fires - Grass Seed Fields | Ershigs, Inc. does not maintain grass seed fields at their facilities. |
| NWCAA 510 | Incinerator Burning | No source affected by this rule is present at the Ershigs, Inc. Bellingham Facilities. |
| NWCAA 511 | Refuse Burning Equipment | No sources affected by these rules are present at the Ershigs, Inc. Bellingham Facilities. |
| NWCAA 520 | Sulfur Compounds in Fuel | No sources affected by these rules are present at the Ershigs, Inc. Bellingham Facilities. |
| NWCAA 560 | Storage of Organic Liquid | No sources affected by these rules are present at the Ershigs, Inc. Bellingham Facilities. |

SECTION 7 INSIGNIFICANT EMISSIONS UNITS

Emission units at Ershigs, Inc. that have been determined to be categorically exempt as allowed in WAC 173-401-532 and those found to be insignificant on the basis of size or production rate as defined in WAC 173-401-530 and WAC 173-401-533 are listed below. Insignificant emission units are still subject to all general requirements.

Table 5 Insignificant Activities and Emission Units

| Exempt Unit | WAC Citation | Comment |
|---|---------------------|--|
| Room vents | WAC 173-401-532(9) | Vents from rooms, buildings and enclosures that contain permitted emissions units or activities from which local ventilation, controls and separate exhaust are provided. |
| Facility vehicles | WAC 173-401-532(10) | Internal combustion engines for propelling or powering a vehicle. |
| General plant upkeep | WAC 173-401-532(33) | Plant upkeep including routine housekeeping, preparation for and painting of structures or equipment, retarring roofs, applying insulation to buildings in accordance with applicable environmental and health and safety requirements and paving or stripping parking lots. |
| Propane storage tank with two hundred and fifty gallon capacity | WAC 173-401-533(d) | Operation, loading and unloading storage of butane, propane, or liquified petroleum gas (LPG), storage tanks, vessel cuapcity under forty thousand gallons. |
| Space heaters and hot water heaters | WAC 173-401-533(r) | Space heaters and hot water heaters using natural gas, propane, or kerosene and generating less than five million Btu per hour |