

State of Washington Department of Ecology
Notice of Construction Approval Order

IN THE MATTER OF APPROVING)
 OPERATION FOR) Approval Order No. Prelim. Determination
MCCAIN FOODS, USA) AQPID: A0010013

TO: Evan Buell
 Vice President of Engineering
 McCain Foods, USA
 One Tower Lane
 Oakbrook Terrance, IL 60181

Project Summary

McCain Foods, herein referred to as the Permittee, is an existing food processor located at 100 Lee Street, Othello, Washington, in Grant County. This Order was updated (from 19AQ-E056) to included natural gas limits (and a few smaller changes) to keep the facility below the Title V permitting threshold.

Equipment evaluated in this Approval Order:

Item	Line	Equipment	Manufacturer	Equipment Rating	Use Type or Controlled Equipment
1	1	Two Stage Fryer	Kiremco	39,000 finished lb/hr	Battered or Conventional
2	1	Steam-Heated Dryer	Wolverine Proctor, 3-Stage	39,000 finished lb/hr	Battered or Conventional
3	1	Scrubber	Prott, BRW 100 Z1	1585 gph (26.4 gpm)	Air Washer, Stage B of Two-Stage Fryer, Installed 1990
4	2	Single Stage Fryer	GEM Equipment	39,000 finished lb/hr	Conventional – Next Gen Fryer
5	2	Steam-Heated Dryer	National	39,000 finished lb/hr	Conventional - N.G Fired, Converted to Steam in 2007
6	2	Scrubber	Prott, BRW 100 Z1	1585 gph (26.4 gpm)	Air Washer for Single-Stage Fryer, Installed 1990
7	3	Single Stage Fryer	GEM Equipment	10,000 finished lb/hr	Co-product
8	3	Direct-Fired Dryer	Eclipse Combustion	2-Eclipse AH13 Burners, 1.2 MMBtu/hr	Co-product, Operating Temp 200°F
9	3	Wet ESP	Beltran BTP, 8x8	14,808 acfm	Line 3 Single-Stage Fryer, Line 1 Stage A of Two-Stage Fryer
10	1-3	Boiler 1	Zurn S/N 99531	65.98 MMBtu/hr of heat input	Natural Gas, built in 1977
11	1-3	Boiler 2	Cleaver Brooks, Springfield Delta D-86	95.55 MMBtu/hr of heat input	Natural Gas, Unit #L-914, S/N 31742, built in 1966
12	1-3	Air Make-Up / Heater Units	n/a	48.87 MMBtu/hr of cumulative heat input	Natural Gas
13	4	Two-Stage Fryer	GEM Equipment	59,270 finished lb/hr	Battered and Conventional
14	4	Dryer	Buhler	59,270 finished lb/hr	Battered and Conventional
15	4	Wet ESP	Megtec Turbosonic	Outlet 97,885 dscfm, 0.002 gr/dscf, 93.8% Eff.	Line 4 Fryer and Dryer

Item	Line	Equipment	Manufacturer	Equipment Rating	Use Type or Controlled Equipment
16	4	Boiler 3	Cleaver Brooks, NB-300D-65	97.6 MMBtu/hr of heat input	Natural Gas / Biogas
17	4	Flare	Shand & Jurs, 97300T or Varec	850 scfm of Biogas	Biogas
18	4	Scrubber	MVTechnologies	H ₂ S at 200ppm or less	Remove H ₂ S from Biogas
19	4	Air Handling Units	n/a	65.35 MMBtu/hr of cumulative heat input or less	Natural Gas
20	n/a	Backup Generator	Cummins NTA-855-G2	465hp	n/a – exempt
21	n/a	Backup Generator	Caterpillar C9	480hp	n/a - exempt

LEGAL AUTHORITY

The emissions from the proposed project/modification have been reviewed under the legal authority of RCW 70A.15.2210 and the applicable rules and regulations adopted thereunder. The proposed project/modification, if operated as specified, will be in accordance with applicable rules and regulations, as set forth in Chapter/Chapters 173-400 WAC and 173-460 WAC and the operation thereof, at the location proposed, will not result in ambient air quality standards being exceeded.

Therefore, it is ordered that the project, as described in the Notice of Construction (NOC) application and/or in the plans, specifications, and other information submitted to the Washington State Department of Ecology (Ecology), is approved for construction and operation provided the following conditions are satisfied:

ADMINISTRATIVE

Upon issuance of this Approval, the previously issues Order No. 19AQ-E056 is rescinded and replaced by the terms and conditions of this Approval Order No. **DRAFT**.

APPROVAL CONDITIONS

1) OPERATING LIMITATIONS – Production Lines 1 thru 3

- a) Production lines 1-3 has three potato product frying lines, and natural gas fired boilers, dryers, and air make-up units that collectively are rated at 294.4 million BTUs per hour heat input.
- b) The potato product frying lines are controlled by either a scrubber or a wet electrostatic precipitator (Wet ESP).
- c) In order to limit particulate matter emissions to no more than 92 tons per calendar year, particulate matter emissions from the units described above must be determined by the following calculational method:

92 tons PM/calendar year \geq

$$\begin{aligned} & \left[\frac{(\text{Batter Product} + \text{Co-product tons}) * (0.062 \text{ lbs PM/ton of Batter or Co-product})}{(2,000 \text{ lbs/ton})} \right] \\ & + \left[\frac{(\text{Batter Product tons}) * (0.047 \text{ lbs PM/ton Batter to Fryer \#1})}{(2,000 \text{ lbs/ton})} \right] \\ & + \left[\frac{(\text{Conventional Fryer \#1} + \text{\#2 Product tons}) * (0.0906 \text{ lbs PM/ton of Conventional})}{(2,000 \text{ lbs/ton})} \right] \\ & + \left[\frac{(\text{Batter} + \text{Co-product} + \text{Conventional Product tons}) * (0.25 \text{ lbs PM/finished ton})}{(2,000 \text{ lbs/ton})} \right] \\ & + \left[\frac{(\text{MMft}^{**3} \text{ Natural Gas}) * (13.75 \text{ lbs PM/MMft}^{**3} \text{ Natural Gas})}{(2,000 \text{ lbs/ton})} \right] \end{aligned}$$

- d) The permittee has requested that Ecology limit the above described fryers' production of finished product and the natural gas combustion units' use of natural gas for a potential to emit particulate matter and nitrogen oxide to a level agreed to by the permittee and Ecology.
- e) The scrubbers and the Wet ESP must be in operation whenever the fryer lines are in service.
- f) Usage of natural gas is be limited to 1,340,566 MMBtu per calendar year.
- g) The amount of finished batter, co-product and conventional product from the fryers and amount of product processed by the dryers must be determined based upon production records. The quantity of natural gas used on an annual basis must be calculated and reported based upon direct fuel meter and totalizer readings, or by purchase and inventory records using natural gas supplier documents. The quantity of finished product from the fryers and the quantity of natural gas used on an annual basis must be reported within 30 days of the end of the calendar year.
- h) The above caps are based upon calculational methods. The 92.5 ton per calendar year emission targets for particulate matter were used for the caps to allow for a 7.5 ton per calendar year buffer between the calculated emissions and the operating permit emissions threshold of 100 tons per calendar year for these pollutants. Adjustments to the caps that will exceed the respective 92.5 ton per year emission targets may be made by issuing another separate Order in accordance with WAC 173-400-091. Issuing another separate Order in accordance with WAC 173-400-091 may be done if more refined calculations or testing is conducted or justification is made that 100 tons per calendar year of either particulate matter or nitrogen oxides would not be exceeded. A Notice of Construction will not be required for this instance if this is the sole reason for requesting a change to the terms of this Order.
- i) If the permittee determines they no longer want to limit emissions of particulate matter or nitrogen oxides below the 100 tons per calendar year threshold, they must submit an operating permit application in accordance with Chapter 173-401 WAC.

Until an operating permit is issued, the permittee will continue to be bound by this Order.

- j) Any application form, report, or compliance certification, including the annual production and consumption reports, submitted pursuant to this Order must contain certification by a responsible official of truth, accuracy, and completeness. The certification must state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- k) The co-product fryer (item 7) has a maximum rate of 10,000 pounds of finished product per hour.
- l) The batter fryer (item 1) has a maximum rate of 50,000 pounds of finished product per hour.
- m) Annual production throughput for the co-product fryer (item 7) must be limited to no more than 87.6 million pounds of finished product per calendar year.
- n) Annual production throughput for the batter fryer (item 1) must be limited to no more than 438 million pounds of finished product per calendar year.
- o) The production line throughputs in Approval Conditions 1(m) and 1(n) must not be exceeded until a new NOC application is submitted to, and approved by Ecology.

2) OPERATING LIMITATIONS – Production Line 4

- a) The production capacity of Line 4 is limited to 59,300 pounds of finished product per hour or 519.21 million pounds per year.
- b) Boiler 3 (item 16) approved under this order must combust only pipeline quality natural gas and biogas generated onsite.
- c) The annual natural gas usage for Boiler 3 (item 16) must be limited to 855,000 MMBtu per year.
- d) Records of natural gas usage must be kept as per Approval Condition 9, Monitoring and Recordkeeping.
- e) The flare must be operated to assure:
 - i) The flare must be operated with a flame present at all times that biogas is sent to the flare.
 - ii) A heat sensing device, such as an ultraviolet beam sensor or thermocouple, at the pilot light or the flame itself must be installed and operated to indicate the continuous presence of a flame.
 - iii) The continuous presence of a flame must be ensured through use of a supplemental fuel source. Supplemental fuel is limited to propane.
 - iv) The presence or absence of a pilot flame must be conspicuously indicated on an accessible control panel located at ground level or in a centralized control room. The presence of a pilot flame must be verified prior to sending biogas to the flare.

- v) The flare must be operated to prevent flame-out following the manufacturer's instructions, including but not limited to the auto re-start features and alarm features.
- f) The permittee must install a Sulfur Scrubber upstream of the boiler (Boiler #3) and flare, but downstream of biogas generation, before initial commissioning of the boiler and flare to reduce H₂S emissions.
- g) The Wet ESP must be operated at all times to control PM emissions from the two-stage fryer and dryer.
- h) The Anaerobic Digester must not be discharged to the ambient air:
 - i) Without combustion through the Boiler #3 or the flare, when discharges are preventable by reasonable methods.
 - ii) Without H₂S removal, when such discharges are preventable by reasonable methods.
- i) Odors emanating from the project must be minimized through the use of recognized good practice and procedures.

3) EMISSION LIMITATIONS – Production Lines 1 thru 3

- a) Operation of the steam-heated co-product fryer (item 7), the existing batter fryer (item 1) and associated Wet ESP with pre-quench (item 9) section has the potential for emitting the following criteria air pollutants, based on 24 hr/day, 7 day/week, 12 month/year operation: Particulate Matter (PM) - 8.76 tons per year.
- b) The co-product fryer (item 7) is heated via an existing steam-heat source, hence there are no new combustion emissions related to heating the fryer.
- c) Opacity for the Wet ESP (item 9) must be no more than 10 percent, averaged over a six-minute period, measured using EPA Reference Method 9.
- d) PM for the Wet ESP (item 9) must not exceed 0.0262 grains per dry standard cubic foot (filterable + condensable portions), using EPA Reference Method 5 for filterable and Reference Method 202 for condensable.

4) EMISSION LIMITATIONS – Production Line 4

- a) The natural gas for the HVAC units (item 19) that have been added for Line 4 is limited to a combined 65.35 MMBtu/hr or 96,900 MMBtu/yr or less.
- b) The Line 4 Wet ESP that controls emissions for the two-stage fryer and dryer exhaust must not exceed the following pollutant concentration mass emission limits:
 - i) Volatile Organic Compounds (VOCs) monitored at the exhaust stack must not exceed 12.3 pounds per hour.
 - ii) Particulate emissions must not exceed 0.010 grains per dry standard cubic foot (filterable + condensable portions), using EPA Reference Method 5 for filterable and Reference Method 202 for condensable, or 1.92 pounds per hour.

- iii) Opacity: five percent, averaged over a six-minute interval, measured using EPA Reference Method 9.
- c) The flare must only combust biogas from the Anaerobic Digester that is not fed to Boiler 3, and propane as pilot gas. The exhaust must not exceed the following pollutant concentrations, mass emission limits, and visual emission limits:
 - i) NO_x: 1.26 lb/hr, 4.04 ton/yr measured using EPA Reference Method 7E.
 - ii) CO: 1.48 lb/hr, 4.73 ton/yr measured using EPA Reference Method 10.
 - iii) Particulate emissions must not exceed 0.010 grains per dry standard cubic foot corrected to 7 percent O₂ or 0.48 pounds per hour.
 - iv) Volatile Organic Compounds (VOCs) from the burner must not exceed 0.18 pounds per hour.
 - v) Sulfur Oxide (SO_x) emissions from the burner must not exceed 1.78 pounds per hour.
 - vi) Opacity: five percent, averaged over a six-minute interval, measured using EPA Reference Method 9.
- d) The sulfur scrubber must maintain an outlet concentration of H₂S of 200 ppm or less after scrubber treatment. Source testing under Washington Administration Code (WAC) 173-400-105(4) may be required at Ecology's discretion to verify Scrubber outlet concentration.
- e) The 97.6 MMBTU/hr Cleaver Brooks boiler exhaust must not exceed the following pollutant concentrations, mass emission limits, and visual emission limits:
 - i) NO_x: 30 ppmvd @ three percent O₂, 3.56 lb/hr, 15.57 ton/yr measured using EPA Reference Method 7E.
 - ii) CO: 50 ppmvd @ three percent O₂, 3.60 lb/hr, 15.78 ton/yr measured using EPA Reference Method 10.
 - iii) Particulate emissions from the burner must not exceed 0.010 grains per dry standard cubic foot corrected to 7 percent O₂ or 0.73 pounds per hour.
 - iv) Volatile Organic Compounds (VOCs) from the burner must not exceed 0.53 pounds per hour.
 - v) Sulfur Oxide (SO_x) emissions from the burner must not exceed 0.04 pounds per hour when firing on natural gas.
 - vi) Opacity: five percent, averaged over a six-minute interval, measured using EPA Reference Method 9.
 - vii) The biogas that is fed to the boiler during duel fire a scenario is limited to 850 standard cubic feet per minute averaged over a rolling one hour period, or 325 million standard cubic feet per year.

- f) There must be no visible emissions from the boiler, flare, or otherwise generated by the source, at or beyond the property boundary.

5) FACILITY WIDE LIMITATIONS

- a) Nitrogen Oxide (NO_x) emissions are limited to no more than 95 tons per calendar year, based on natural gas usage for the units described above.
- b) Natural gas for the units described above must be limited to 2,292,442 million Btu's per calendar year.

6) COMPLIANCE TESTING

- a) Periodic combustion analysis of Boiler #3 (item 16) to maintain operational efficiency may be substituted for stack testing. Nitrogen oxides and carbon monoxide combustion analysis measurements, and operational rate in percentage during measurement, must be submitted whenever Ecology requests information for emission inventory. Source testing under Washington Administration Code (WAC) 173-400-105(4) may be required at Ecology's discretion to verify boiler emission rates.
- b) Boiler #3 (item 16) exhaust must be tested and analyzed for NO_x, CO, and opacity to demonstrate compliance with emission limits within 180 days of issuance of this Approval Order.
 - i) Coordinate with Ecology prior to testing to establish if biogas or natural gas will be used during testing.
 - ii) Future testing may be required if Ecology determines it is necessary (WAC 173-400-105(4)).
- c) The Scrubber for Production Lines 1, 2, and 4 must be equipped with instrumentation to monitor the pressure drop across the scrubber, and the liquid flow rate (monitored using pump pressure).
- d) Specific Lines 1, 2, and 4 performance testing conditions:
 - i) Testing Frequency
 - (1) Lines 1, 2, and 4 Scrubbers, PM and VOC, initially within 180 days of issuance of this Approval Order, and every 12 months thereafter.
 - (2) Lines 1, 2, and 4 Dryers, PM₁₀, initially within 180 days of issuance of this Approval Order, and once every five years thereafter.
 - ii) PM₁₀ emissions must be reported as mass emission rate (lb/hr) and concentration (gr/dscf).
 - iii) VOC emissions must be reported as a mass emission rate (lb/hr) and concentration (ppmvd) both corrected to as-propane.
 - iv) During testing, the tested production line (Line 1, 2, or 4) must operate at production rates equal to or greater than 90 percent of the maximum permitted production rate.

- v) During testing of Lines 1, 2, or 4, the monitoring data required in Condition 6(c) (pressure drop and liquid flow rates) must be recorded and included in the test report.
- e) Specific Line 3 and 4 performance testing conditions for the Wet ESP.
 - i) Testing Frequency
 - (1) An initial test performed to show compliance with operating limits must be conducted with 180 days from issuance of this Approval Order.
 - (2) Periodic testing will be once every five years thereafter.
 - ii) During performance testing, the fryers must be operated at production rates of 90-110 percent of the maximum hourly production rate achieved during the preceding 12-month period.
 - iii) During testing, the following WESP operating parameters/characteristics must be recorded:
 - (1) Total water flow and water pressure to the WESP.
 - (2) Electrical power usage data from the control panel.
 - (3) Hourly production rates for both the associated fryers.

7) OPERATION and MAINTENANCE (O&M) MANUAL

- a) A site-specific O&M manual for all equipment that has the potential to affect emissions to the atmosphere must be developed and followed. The information generated and collected for the newly installed equipment (items 14 thru 19) must be developed with 90 days of acceptance of this Approval Order. Manufacturers' instructions may be referenced. The O&M manual must be updated to reflect any modifications of the plant or operating procedures. Emissions that result from failure to follow the requirements of the O&M manual or manufacturer's instructions may be considered proof that the equipment was not properly operated, maintained and tested. The O&M manual must at a minimum include:
 - i) Normal operating parameters for the pre-quench section and the Wet ESP.
 - ii) A maintenance schedule for the pre-quench section and the Wet ESP.
 - iii) Monitoring and record keeping requirements for the pre-quench section and the Wet ESP.
 - iv) A description of the monitoring procedures for the pre-quench section and the Wet ESP and actions for abnormal pre-quench and Wet ESP control system operation.
 - v) Steps taken to ensure the flame from the flare does not become extinguished.

8) NOTIFICATIONS and SUBMITTALS

- a) Notifications and submittals must be sent to:
 - Washington State Department of Ecology**
 - Air Quality Program**

**4601 N. Monroe Street
Spokane, WA 99205-1295**

Reports may also be submitted electronically to: emissions.inventory@ecy.wa.gov

OR AS DIRECTED.

9) MONITORING and RECORDKEEPING

- a) Specific records must be kept on-site by the permittee and made available for inspection by Ecology upon request. The records must be organized in a readily accessible manner and cover a minimum of the most recent 60-month period. The records to be kept must include the following:
 - i) **Occurrence and duration of any malfunction** in the operation of the boilers that caused a violation of this Order. The record must include date, time, duration and/or cause, as applicable.
 - ii) **Boiler fuel consumption** for the three boilers for each calendar year. Records must show monthly fuel usage, monthly operating hours, and total annual fuel usage and operating hours of each boiler. This recordkeeping may be done for each boiler separately, or by plant wide natural gas usage.
 - iii) **Boiler hours of operation** for each boiler must be recorded monthly, and totaled each calendar year.
 - iv) **Combustion analysis reports** for the Boiler #3, to include annual tune-up showing burner performance in compliance with manufacturer's recommendations.
 - v) **Occurrence and duration of any malfunction** in the operation of either the pre-quench section or the Wet ESPs. The record must include date, time, duration and/or cause, as applicable.
 - vi) **Production throughput of finished product by type and quantity** each for the co-product fryer (item 7) and the batter fryer (item 1) on a calendar year basis.
 - vii) A file of initial and any periodic **performance testing results**.
 - viii) **O&M manual and maintenance records**.

10) REPORTING

- a) The permittee is required to submit annual emissions information to Ecology by January 30 for the previous calendar year when requested, including the following:
 - i) **Combined annual natural gas consumption** for the boilers.
 - ii) **Annual hours of operation** for each boiler.
 - iii) The **occurrence and duration of any malfunction** per the recordkeeping must be sent to the above address no later than 30-days following such event.
 - iv) **Production throughput of finished product by type and quantity** per the recordkeeping must be sent to the above address no later than 30-days following the end of the calendar year.

- v) **Estimated PM and VOC air pollutant emissions** from the exhaust of both Wet ESPs for the given calendar year must be sent to the above address no later than 30 days following the end of the calendar year.
- vi) The results of all **initial performance and any subsequent periodic testing** must be sent to the above address no later than 60-days following such testing.

11) TESTING REQUIREMENTS

- a) Performance testing must be performed at such times and frequencies specified in a condition of approval in this Order and at other times in accordance with WAC 173-400-105(4).
- b) Performance testing must utilize the following test methods unless an alternative method is requested by the permittee and approved by Ecology in writing:
 - i) Visual determination of the opacity emissions from stationary sources per Title 40 Code of Federal Regulations, Part 60, Appendix A, Method 9 (referenced as Method 9).
 - ii) Total PM per Title 40 CFR 60, Appendix A, Method 5.
 - iii) PM10 per 40 CFR 60, Appendix A, Method 5 with 40 CFR 51, Appendix M, Method 202.
 - iv) NOx per 40 CFR 60, Appendix A, Method 7E.
 - v) CO per 40 CFR 60, Appendix A, Method 10.
 - vi) HCl per 40 CFR 60, Appendix A, Method 26 or 26A.
 - vii) Plant surveys for the presence of opacity from control devices must be performed using the techniques and procedures in 40 CFR 60, Appendix A, Method 22.
- c) Testing Logistics – The permittee must provide testable emission points, sampling ports, safe access to sampling points and ports, and utilities for sampling and testing.
- d) Number of Test Runs – Performance or compliance testing of each piece of pollution control equipment must consist of three separate runs of at least 60 minutes each.
- e) Throughput During Testing – During testing, the process must be operated at a minimum of ninety percent of permitted production, or a minimum of 90 percent of the design capacity.
- f) Submittal of Performance Test Plan – A written test protocol that includes a description of the equipment to be tested, the process and control device operating information to be collected during the test, and the sampling and analytical method(s) proposed, must be submitted to Ecology at least 30 calendar days prior to the start of any performance test.
- g) Notification of Inability to Conduct Performance Test – If the permittee is unable to conduct any performance test as scheduled, Ecology must be notified at least 24 hours before the test at the address under “Notifications”, Condition 8, or via telephone at (509) 329-3400.
- h) Plant Operator During Testing – The plant process equipment must be operated and controlled by normal plant operators during the period when the performance testers

are on-site to conduct testing and during actual testing.

- i) Performance or Compliance Testing Results – The results of all initial performance testing and all other periodic performance testing must be sent to the address at Approval Condition 8. One copy of the completed test report must be submitted no later than 60-days after the last day of the testing.

12) GENERAL CONDITIONS

- a) **Activities Inconsistent with this Order** - Any activity undertaken by the Permittee, or others, in a manner that is inconsistent with the data and specifications submitted as part of the NOC application or this NOC Approval Order, will be subject to Ecology enforcement under applicable regulations.
- b) **Availability of Order** - Legible copies of this NOC Approval Order and any O&M manual(s) must be available to employees in direct operation of the equipment described in the NOC application and must be available for review upon request by Ecology.
- c) **Compliance Assurance Access** - Access to the source by representatives of Ecology or the United States Environmental Protection Agency (EPA) must be permitted upon request. Failure to allow access is grounds for enforcement action under the federal Clean Air Act or the Washington State Clean Air Act, and may result in revocation of this NOC Approval Order
- d) **Discontinuing Construction or Operation** – This NOC Approval Order will become invalid if construction of the equipment described in the NOC application and this NOC Approval Order does not commence within 18 months after receipt of this NOC Approval Order.

If construction or operation is discontinued for 18 months or longer on a portion or all of the equipment described in the NOC application and this NOC Approval Order, the portion of the NOC Approval Order regulating the inactive equipment will become invalid. Ecology may extend the 18-month period upon request by the Permittee and a satisfactory showing that an extension is justified

- e) **Equipment Operation** - Operation of the facility must be conducted in compliance with all data and specifications submitted as part of the NOC application and in accordance with O&M manuals, unless otherwise approved in writing by Ecology
- f) **Violation Duration** - If the Permittee violates an approval condition in this NOC Approval Order, the violation is presumed to commence at the time of the testing, recordkeeping, or monitoring which indicates noncompliance. The violation is presumed to continue until the time of retesting, recordkeeping, or monitoring which indicates compliance. A violation of an approval condition includes, but is not limited to, failure of air pollution control equipment, failure of other equipment resulting in increased emissions, or a failed source test indicating an exceedance of an emission limit. The duration of a violation may also be determined based on credible evidence which shows that the violation was of longer duration, that there were intervening days during which no violation occurred, or that the violation was not continuous in nature.

- g) Obligations Under Other Laws or Regulations** - Nothing in this NOC Approval Order excuses the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations
- h) Maintaining Compliance** - It will not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the operations in order to maintain compliance with the conditions of this NOC Approval Order
- i) Visible Emissions** – No visible emissions must be allowed beyond the property line, as determined by opacity readings.
- j) Changes in Operations** - Any changes in operation contrary to information submitted in the NOC application must be reported to Ecology at least 60 days before the changes are implemented. Such changes in operation may require a new or amended NOC Approval Order.

Authorization may be modified, suspended, or revoked in whole or part for cause, including, but not limited to, the following:

- * Violation of any terms or conditions of this authorization.
- * Obtaining this authorization by misrepresentation or failure to disclose full all relevant facts.

The provisions of this authorization are severable and, if any provision of this authorization or application of any provision to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this authorization, will not be affected thereby.

Your Right to Appeal

You have a right to appeal this NOC Approval Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this NOC Approval Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do all of the following within 30 days of the date of receipt of this NOC Approval Order:

- * File your appeal and a copy of this NOC Approval Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- * Serve a copy of your appeal and this NOC Approval Order on Ecology in paper form - by mail or in person (see addresses below). E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Address and Location Information

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel RD SW, STE 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

*For additional information, visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>
To find laws and agency rules visit the Washington State Legislature Website:
<http://www1.leg.wa.gov/CodeRevise>*

DATED at Spokane, Washington this **X** day of **MONTH**, 2022.

PREPARED BY:

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