

**STATEMENT OF BASIS FOR MUTUAL MATERIALS COMPANY
CHAPTER 401 AIR OPERATING PERMIT
AOP-7 RENEWAL #2**

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LIST OF ABBREVIATIONS

BACT	Best available control technology
CFR	Code of Federal Regulations
CO	Carbon monoxide
dba	Doing business as
dscf	Dry standard cubic foot
ECOLOGY	Washington State Department of Ecology
EPA	United States Environmental Protection Agency
FCAA	Federal Clean Air Act
gr/dscf	Grains per dry standard cubic foot
HAP	Hazardous air pollutant as designated under Title III of FCAA
MMBTU	Millions of British thermal units
MRRR	Monitoring, recordkeeping, & reporting requirements
NAA	Nonattainment area
NOC	Notice of Construction
NOx	Oxides of nitrogen
O ₂	Oxygen
O&M	Operation & maintenance
Pb	Lead
PM	Particulate matter
PM-10	Particulate matter, 10 microns or less in size
PSD	Prevention of Significant Deterioration
RACT	Reasonably available control technology
RCW	Revised Code of Washington
RM	EPA reference method from 40 CFR Part 60, Appendix A
SCAPCA	Spokane County Air Pollution Control Authority (on June 3, 2007, SCAPCA was renamed to SRCAA)
SRCAA	Spokane Regional Clean Air Agency (prior to June 3, 2007, agency was named SCAPCA)
scf	Standard cubic foot
SO ₂	Sulfur dioxide
SO _x	Oxides of sulfur
VOC	Volatile organic compounds
WAC	Washington Administrative Code

DEFINITIONS OF WORDS AND PHRASES

Terms not otherwise defined in this permit have the meaning assigned to them in the referenced regulations.

Administrator	The administrator of the United States Environmental Protection Agency or her/his designee [WAC 173-401-200(12), 10/4/93]
Chapter 401 Permit	Any permit or group of permits covering a source, subject to the permitting requirements of Chapter 173-401 WAC, that is issued, renewed, amended, or revised pursuant to Chapter 173-401 WAC [WAC 173-401-200(5), 10/4/93]
Emission Limitation	A requirement established under the FCAA or Chapter 70.94 RCW which limits the quantity, rate or concentration of emissions of air contaminants on a continuous basis, including any requirement relating to the operation or maintenance of a source to assure continuous emission reduction and any design, equipment work practice, or operational standard promulgated under the FCAA or Chapter 70.94 RCW [WAC 173-400-030(22), 9/13/96]
Emissions Unit	Any part of a stationary source or source which emits or would have the potential to emit any pollutant subject to regulation under the Federal Clean Air Act, Chapter 70.94 RCW, or 70.98 RCW [WAC 173-400-030(23), 9/13/96]
Federal Clean Air Act	Federal Clean Air Act. also known as Public Law 88-206, 77 Stat. 392. December 17, 1963, 42 U.S.C. 7401 et seq., as last amended by the Clean Air Act Amendments of 1990, P.L. 101-549, November 15, 1990 [WAC 173-401-200(13), 10/4/93]
Opacity	The degree to which an object seen through a plume is obscured, stated as a percentage [WAC 173-400-030(51), 9/13/96]
PM Standard	An emission limitation on the amount of particulate matter an emissions unit may emit, generally expressed in terms of grains per dry standard cubic foot, pounds per hour, or some other concentration or emission rate.
Visible Emissions Standard	An emission limitation on visible emissions expressed in percent opacity

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Mutual Materials Company (Mutual) is a brick manufacturing plant which produces high fire ceramic bricks, fire bricks, chimney flue liners, and a small amount of packaged clay at their Spokane County facility, located at 10627 South State Route 27, Mica, WA. The facility is classified as a major source, as defined in Chapter 173-401 WAC, due to hydrogen fluoride emissions given off during the brick curing process and particulate matter emissions given off during clay processing. As a major source, Mutual is required to apply for an operating permit under SRCAA's Title V air operating permit program as established in Chapter 173-401 WAC. WAC 173-401-700(8) requires that at the time a draft permit is issued under the Title V program, a statement be provided setting forth the legal and factual basis for permit conditions including reference to the applicable statutory or regulatory provisions for the conditions. This document provides the basis for the draft permit for Mutual.

The permit is organized into sections. The first section contains standard terms and conditions. This section is basically the same for all permits issued by SRCAA. The second section contains applicable requirements that apply to the facility, along with monitoring, recordkeeping, and reporting requirements sufficient to assure compliance with each applicable requirement. This section is divided into subsections to address different emission units or classes of emission units. The third and final section addresses requirements that have been deemed inapplicable to the source or to emission units located at the source, i.e., the permit shield per WAC 173-401-640(2).

After a brief summary of operations at the facility, the format of this Statement of Basis will follow that of the permit with the standard terms and conditions discussed first, followed by the applicable requirements, and finally the permit shield.

FACILITY SUMMARY

The brick plant has been in operation since the turn of the 20th century. In May of 1990, Mutual Materials Company acquired the plant from Interpace Corporation. Mutual's facility produces up to about 84,000 tons of brick and 3,000 tons of chimney flue liners annually. In general, the process involves:

- mining of clay (clay is also brought in from off-site mines);
- crushing, grinding, screening, and mixing of clay;
- forming, cutting, shaping, and drying of bricks and chimney flue liners; and
- firing of bricks and chimney flue liners.

Approximately 60% of the clay used at Mutual is mined in Mica at a mine near the plant, 30% is mined in Worley, ID, and the rest is mined in Usk, WA and Fairfield, WA. Clay is typically only mined during summer months. Mutual uses a total of 7 different clays to make different colored bricks. Sand and colorants are also added to the clay to give specific properties to the bricks. In addition, most of the bricks contain ~10% recycled brick, which is crushed at the hammermill with the clay.

After the clay is mined, it goes to the clay storage area. From there, it goes to the feeder for mixing with recycled brick, additives, etc. The mixture then is conveyed to the hammermill for grinding. Prior to the hammermill, water is added to the clay mixture to increase the moisture

content of the material. After the material has gone through the hammermill, it is sent to a screen and then to storage bins.

Material from the storage bins is used in one of three processes at Mutual: ceramic brick manufacturing, fire brick manufacturing, or flue liner manufacturing.

Mutual operates two brick manufacturing lines. In the process, the material is conveyed from the storage bins to one of two pug mills. In the pug mill, water and color material is added to the clay to a moisture content of ~16%. The mixed material is then pushed through one of two vacuum chambers to remove excess air. The material then passes through one of two compression extruders, where it is pushed through a die to make the desired brick shape. The extruded bricks are then cut and loaded onto cars for firing.

The chimney flue liners are extruded through the compression extruder to make the desired shape. The extruded flue liners are cut and sent to one of the two periodic kilns for firing.

For the fire brick operation, screened clay is sent to a dry press to form the bricks. The material only has ~8.5-9% moisture content. The material is pressed into molds or dies to form the bricks. The formed fire bricks are then loaded onto cars for firing.

All of the bricks produced at Mutual are fired in a natural gas fired 27.5 MMBtu/hr tunnel kiln. Prior to the tunnel kiln, the bricks are sent to one of 5 tunnel dryers for preheating. Waste heat from the tunnel kiln is used in the tunnel dryers. After the dryers, the cars are placed into the tunnel kiln. The kiln feeds the cars through the kiln with a hydraulic device. According to Mutual, the kiln can process a maximum of 39 cars per day, which translates to 82,000 tons of product per year. The bricks are heated to ~2200° F in the kiln. Heat from the tunnel kiln is used in the tunnel dryers, and excess heat is exhausted to the atmosphere. At the end of the tunnel kiln in the cooling zone, the bricks are cooled to ~ 200° F before leaving the kiln. After cooling, the bricks are wrapped and shipped.

After leaving the tunnel kiln, the cars used to hold the bricks are cleaned with high pressure air. Dust emissions from the car cleaning process are controlled with a Torit baghouse.

The chimney flue liners are fired in one of two natural gas fired periodic kilns, rated at 11 MMBtu/hr each. The periodic kilns are "hive" type structures that have been at the facility since it was originally constructed. The periodic kilns were used before the tunnel kiln was installed to fire the bricks. Prior to entering the periodic kiln, the flue liners are first pre-heated in a natural gas fired batch dryer. After the batch dryer, the flue liners are fired in a periodic kiln, where they are heated to a temperature of 2000° F. After cooling, the flue liners are wrapped and shipped.

Emissions from the facility include particulate matter emissions from mining, crushing, grinding, screening, and mixing of clay, hydrogen fluoride from the firing of bricks, and combustion emissions (primarily NOx and CO) from the burning of natural gas and propane in the kilns.

Since Mutual is a major source of hydrogen fluoride, which is a Hazardous Air Pollutant (HAP), the requirements of Title III of the Federal Clean Air Act (i.e., MACT standard requirements) potentially apply. On May 16, 2003, EPA promulgated the "National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing," given in 40 CFR 63, Subpart JJJJJ. This rule applies to some brick and structural clay products manufacturing facilities that are major sources of HAPs. According to Section §63.8385 of Subpart JJJJJ, the rule applies to a major source of HAP emissions which operates a tunnel kiln with a design capacity equal or greater than 10 tons per hour of fired product. In a letter dated April 9, 2003, SRCAA requested that Mutual submit information to SRCAA regarding the applicability of 40 CFR 63, Subpart JJJJJ to the Mutual facility. In a letter dated April 24, 2003, Mutual submitted information indicating that they are not subject to Subpart JJJJJ. The letter contains calculations showing that the maximum output of the tunnel kiln is 9.59 tons per hour, which is below the 10 ton per hour threshold. As a result, even though Mutual is a major source of HAPs, the MACT standard promulgated on May 16, 2003 for the brick products manufacturing industry does not apply to Mutual because the design capacity tunnel kiln is below the 10 ton per hour Subpart JJJJJ threshold design capacity.

On March 13, 2007, the United States Court of Appeals, D.C. Circuit issued a court decision to vacate 40 CFR 63, Subpart JJJJJ, effective June 18, 2007. In its decision, the Court vacated those standards, holding that the methodology EPA used to establish those MACT standards was unlawful. Due to this vacatur, the requirements given in Section 112(j) of the Federal Clean Air Act (i.e., the "MACT Hammer" provisions) may apply to Mutual Materials, since they are a brick manufacturing source and considered a major source of hydrogen fluoride (HAP). SRCAA is currently waiting on guidance from EPA on whether 112(j) is applicable to Mutual Materials, since they were not subject to the vacated rule. The requirement to subpart a Part 1 MACT applicable under 112(j) is not triggered until SRCAA (or EPA) notifies a facility that the "Hammer" applies to them. SRCAA does not intend to take any action regarding 112(j) for Mutual Materials until guidance is issued by EPA regarding 112(j) applicability and implementation for brick manufacturing sources.

PERMITTING HISTORY

SRCAA has issued the following Notice of Construction (NOC) approval orders and regulatory orders to Mutual Materials:

- NOC (04/11/75) was approved for a clay mining operation near the site.
- NOC #845 was approved 09/10/97, for the installation of a hammermill, subject to the requirements of NSPS 40 CFR Part 60, Subpart OOO. An O&M plan for the hammermill was required in NOC #845. An initial O&M plan was approved by SRCAA on 10/27/98; a revised O&M plan was approved by SRCAA on 11/27/01.

SRCAA has issued the following Air Operating Permits (AOP) to Mutual Materials:

- AOP-7 was issued to Mutual Materials on 03/05/99,
- AOP-7 Renewal #1 was issued on 3/1/04 and revised on 12/17/04 to revise the

hammermill operation plan, required in MRRR 5M of AOP-7 (Mutual Materials requested this revision in a letter dated August 25, 2004).

COMPLIANCE HISTORY

SRCAA has performed a compliance inspection at Mutual Materials either annually or biannually since 1996. The most recent inspection was performed on 8/30/07. During the past ten years, SRCAA has issued two Notices of Violation.

On August 4, 2004, SRCAA issued a Notice of Violation for failure to take opacity readings from the hammermill, using EPA RM 9, as described in hammermill O&M plan, for the period from 12/14/98 – 6/23/04. In response to the NOV, Mutual Materials requested a revision to the hammermill O&M plan, which was approved by SRCAA on 12/17/04.

On June 28, 2001, SRCAA issued a Notice of Violation to Mutual Materials for particulate matter emissions on the clay pit haul road observed on 6/23/01, failure to conduct weekly inspection to observe potential visible emissions during the week of 11/20/00 and 11/27/00, and failure to keep records of operating parameters for the hammermill (i.e., type of clay mix, moisture content of clay, opacity readings, water nozzle use, etc.) on 3/26/01, 3/23/01, 1/8/01, 11/24/00, 11/6/00, and 10/13/00.

In addition to the two Notices of Violation, in 2003, a corrective action letter was sent to Mutual Materials to keep records of any startup, shutdown, or malfunction in the operation of the hammermill and to control dust observed from front-end loader activity adjacent to stockpiles.

EMISSION UNITS

Emission units at Mutual Materials can be divided into two main categories: Hammermill and Two Conveyor Belts and Miscellaneous Emission Units. A section on each of these categories follows. At the end of this section, the insignificant emission units at Mutual Materials are discussed and listed.

Hammermill and Two Conveyor Belts

The hammermill and two associated conveyor belts were installed in 1997. Prior to installation of the hammermill, SRCAA approved a Notice of Construction (NOC #845) for this equipment. The equipment covered under this approval is also subject to 40 CFR Part 60, Subpart OOO- Standards of Performance for Nonmetallic Mineral Processing Plants.

Pertinent information on the hammermill and two conveyor belts is given in Table 1 below.

Table 1 – Hammermill & Two Conveyor Belts

Emission Point #	Description	Air Pollution Control Equipment
N/A – Not included in application	Hammermill & two conveyor belts (NOC #845)	Water applied to clay prior to hammermill

Miscellaneous Emission Units

The following miscellaneous emission units are considered significant emission units, but do not have specific requirements (i.e., Notice of Construction approval conditions, NSPS standards, etc.) that apply. These sources are subject only to the facility-wide emission limitations.

The tunnel kiln was originally installed in 1957. Since that time, several upgrades have been done on the tunnel kiln. In ~1981, all of the burners were replaced in the kiln. In ~1986, the lining and cooling zone were completely rebuilt. In 2001-2, a new controlled system was installed on tunnel kiln to create a pulse fired burner system.

The periodic kilns have been in place at the facility since it was originally built.

Significant miscellaneous emission units, identified in the permit application, are given in Table 2 below.

Table 2 – Significant Emission Units Subject Only to Facility-wide Emission Limitations

Emission Point #	Description	Air Pollution Control Equipment
1	Swindell Dressler Tunnel Kiln – natural gas fired (27.5 MMBtu/hr)	None
2	Two Periodic Kilns – natural gas fired (each 11 MMBtu/hr)	None
7	Kiln Car Cleaning System	Baghouse

In the permit application, the Batch Dryer was also listed as a significant emission unit. However, the heat input rating for this unit is below 5 MMBTU/hour and as such is classified as an insignificant emission unit per WAC 173-401-533(e).

Insignificant Emission Units

Insignificant emission units (IEUs) include any activity or emission unit located at a major source which qualifies as insignificant under the criteria listed in WAC 173-401-530. A list of the IEUs, identified in the permit application, is presented below in Table 3. In order to remain an IEU, emissions from units designated insignificant based solely on WAC 173-401-530(1)(a) must remain below threshold levels.

Insignificant emission units are subject to the generally applicable requirements (i.e., facility-wide emission limitations). According to WAC 173-401-530, testing, monitoring, recordkeeping,

and reporting are not required for insignificant emission units unless determined by the permitting authority to be necessary to assure compliance or unless it is otherwise required by a generally applicable requirement of the State Implementation Plan (SIP). SRCAA has determined that testing, monitoring, recordkeeping, and reporting are not necessary for some of the insignificant emission units at Mutual. Specifically, SRCAA has determined that testing, monitoring, recordkeeping, and reporting are not necessary for the insignificant emission units presented in Table 3 to assure compliance with the generally applicable requirements. SRCAA's determination was based on the following:

- SRCAA has not documented a violation of any of the generally applicable requirement in the past from the list of IEUs in Table 3 (i.e., the IEUs have had a consistent compliance history); and
- Most of the IEUs emit small quantities of pollutants and/or do not operate continuously.

Table 3 – Insignificant Emission Units That Do Not Require MRRR

Emission Unit Description	ID Number Used in Permit Application	Basis / Justification for IEU Designation
Batch Dryer – natural gas fired	N/A – No number used in permit application	WAC 173-401-533(e)
Raw Material Batching	N/A – No number used in permit application	WAC 173-401-530(1)(d) & WAC 173-401-532(10)
Raw Material Pugging	N/A – No number used in permit application	WAC 173-401-530(1)(d)
Product Extrusion	N/A – No number used in permit application	WAC 173-401-530(1)(d) & WAC 173-401-532(24)
Product Setting, Sorting, & Packaging	N/A – No number used in permit application	WAC 173-401-530(1)(d)
Tunnel Dryers – heat is provided by tunnel kiln, which is a significant emission unit	N/A – No number used in permit application	WAC 173-401-532(107)
Product Yarding, Loading, & Delivery	N/A – No number used in permit application	WAC 173-401-530(1)(d) & WAC 173-401-532(10)
Sample Board Making	N/A – No number used in permit application	WAC 173-401-530(1)(d) & WAC 173-401-532(73)
Maintenance & Repairs	N/A – No number used in permit application	WAC 173-401-530(1)(d) & WAC 173-401-532(74)

Vacuum System – other than Kiln Car Cleaning System, which is a significant emission unit	N/A – No number used in permit application	WAC 173-401-532(108)
Diesel Fueling Tank	N/A – No number used in permit application	WAC 173-401-533(2)(c)
Propane Fueling Tank	N/A – No number used in permit application	WAC 173-401-533(2)(d)
Space Heaters	N/A – No number used in permit application	WAC 173-401-533(2)(r)
Air Conditioners	N/A – No number used in permit application	WAC 173-401-532(46)
Painting, Housekeeping, Upkeep	N/A – No number used in permit application	WAC 173-401-532(33)
Storage and Use of Lubricating Oil	N/A – No number used in permit application	WAC 173-401-532(3)(4), & (42)
Vehicle Maintenance & Repair	N/A – No number used in permit application	WAC 173-401-532(7) & (45)
Welding	N/A – No number used in permit application	WAC 173-401-533(i)

SRCAA has determined that testing, monitoring, recordkeeping, and reporting are necessary for some of the insignificant emission units at Mutual. Specifically, SRCAA has determined that testing, monitoring, recordkeeping, and reporting are necessary for the insignificant emission units presented in Table 4 to assure compliance with the generally applicable requirements. SRCAA's determination was based on the following:

- SRCAA has documented a violation of any of the generally applicable requirement in the past from the list of IEUs in Table 4; and/or
- The IEUs emit and/or have the potential to emit large quantities of particulate, particularly if not operated properly or monitored regularly, and operate continuously.

Table 4 – Insignificant Emission Units That Require MRRR

Emission Unit Description	ID Number Used in Permit Application	Basis / Justification for IEU Designation
Raw Material Grinding –	EP #3, Seg. #1	WAC 173-401-530(1)(d)

Emission Unit Description	ID Number Used in Permit Application	Basis / Justification for IEU Designation
other than grinding done in hammermill (Hammermill is considered a Significant Emission Unit)		
Raw Material Storage	EP #3, Seg. #2	WAC 173-401-530(1)(d)
Raw Material Screening	EP #3, Seg. #3	WAC 173-401-530(1)(d)
Mining, Stockpiling, and Hauling	N/A – No number used in permit application	WAC 173-401-530(1)(d)
Operation & Maintenance of Storage Yard	N/A – No number used in permit application	WAC 173-401-532(33) & (35)
Operation & Maintenance of Parking Lots	N/A – No number used in permit application	WAC 173-401-532(33) & (35)

STANDARD TERMS AND CONDITIONS

This section of Mutual's permit contains standard terms and conditions that apply to all sources in SRCAA's Title V program. These conditions have been reviewed by EPA and include all terms required in Chapter 173-401 WAC as well as requirements from other air quality laws and regulations. The standard terms have been organized in seven subsections including:

PERMIT ADMINISTRATION;
INSPECTION & ENTRY;
EMERGENCY PROVISIONS;
GENERAL MONITORING, RECORDKEEPING, & REPORTING;
COMPLIANCE CERTIFICATION;
TRUTH AND ACCURACY OF STATEMENTS AND DOCUMENTS AND TREATMENT OF DOCUMENTS; and
APPLICABLE WHEN TRIGGERED REQUIREMENTS.

A discussion of each subsection follows. The requirements in each section are briefly discussed, along with the citations for each requirement. Using the same methodology as the permit, requirements that are not required under the FCAA are indicated by the phrase "STATE/LOCAL ONLY" after the legal citation. Although, in and of itself, Chapter 173-401 WAC is not federally enforceable, the requirements of this regulation are based on federal requirements for the operating permit program. Upon issuance of the original permit for Mutual, the terms based on Chapter 173-401 WAC became federally enforceable for the source. These

terms will be replaced with the updated terms given in this renewal permit, upon issuance.

NOTE: The adoption date for each requirement is also given. The adoption date may be important if an earlier version of the requirement is in the State Implementation Plan (SIP). In many instances, a revision may have occurred within a section that does not affect the requirement being cited. If this is the case, the most recent adoption date is given, along with the SIP version date in parentheses, and the requirement is federally enforceable. If a change was made in the requirement, both the earlier, SIP approved, requirement and the most recent requirement would go in the permit. The version in the SIP would be federally enforceable, and the more recent version would be enforceable at the state or local level.

If a new rule or a newer version of a rule has been submitted to EPA for inclusion in the SIP and EPA has proposed, but not issued, approval, the permit will be drafted so that when EPA approval does occur, the requirement will become federally enforceable.

Permit Administration

Below are standard terms included in the subsection, Permit Administration. Generally the language tracks the rule language closely with only minor changes for clarity or conciseness. There is no intent to alter the effect of the requirement.

1. Federal Enforceability - All permit conditions are federally enforceable unless specified in the permit as a state or local only requirement. [WAC 173-401-625, 10/4/93]
2. Duty to Comply - The permittee must comply with the terms and conditions of the permit. [WAC 173-401-620(2)(a), 10/4/93]
3. Schedule of Compliance. The permittee must continue to comply with all applicable requirements and must comply with new requirements on a timely basis. [WAC 173-401-630(3), 10/4/93]
4. Need to Halt or Reduce Activity Not a Defense - The permittee cannot use the fact that it would have been necessary to halt or reduce an activity as a defense in an enforcement action. [WAC 173-401-620(2)(b), 10/4/93]
5. Permit Actions - This term discusses modification, revocation, reopening, and/or reissuance of the permit for cause. If Mutual files a request to modify, revoke, reissue, or terminate the permit, the request does not stay any permit condition, nor does notification of planned changes or anticipated noncompliance. [WAC 173-401-620(2)(c), 10/4/93]
6. Reopening for Cause. This term lists instances when the permit must be reopened and revised, including times when additional requirements become applicable, when the permit contains mistakes, or when revision or revocation is necessary to assure compliance with applicable requirements. [WAC 173-401-730, 10/4/93]

7. Emissions Trading - No permit revision will be required, under any approved, economic incentives, marketable permits, emissions trading, and other similar programs or processes, for changes that are provided for in the permit. [WAC 173-401-620(2)(g), 10/4/93]
8. Property Rights. The permit does not convey any property rights of any sort, or any exclusive privilege. [WAC 173-401-620(2)(d), 10/4/93]
9. Duty to Provide Information. The permittee must furnish, within a reasonable time to SRCAA, any information, including records required in the permit, that is requested in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. [WAC 173-401-620(2)(e), 10/4/93]
10. Duty to Supplement or Correct Application. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, must promptly submit such supplementary facts or corrected information. The permittee must also provide information as necessary to address any new requirements that become applicable after the date a complete application has been filed but prior to the release of a draft permit. [WAC 173-401-500(6), 9/16/02]
11. Permit Fees. The permittee must pay fees as a condition of this permit in accordance with SRCAA's fee schedule. [WAC 173-401-620(2)(f), 10/4/93]
12. Severability. If any provision of the permit is held to be invalid, all unaffected provisions of the permit will remain in effect and enforceable. [WAC 173-401-620(2)(h), 10/4/93]
13. Permit Appeals. The permit or any conditions in it may be appealed only by filing an appeal with the pollution control hearings board and serving it on SRCAA within thirty days of receipt pursuant to RCW 43.21B.310. This provision for appeal is separate from and additional to any federal rights to petition and review under §505(b) of the FCAA, including petitions filed pursuant to 40 CFR 70.8(c) and 70.8(d). [WAC 173-401-620(2)(i), 10/4/93] [WAC 173-401-735(1), 4/2/97]
14. Permit Renewal and Expiration. The permit is in effect for five years. The permittee's right to operate this source terminates with the expiration of the permit unless a timely and complete application for renewal is submitted. Chapter 173-401-710(1) allows SRCAA to set, in the permit, the due date for the renewal as long as it is no more than 18 months and no less than six months prior to expiration of the permit. SRCAA specifies in the permit that the renewal must be submitted no more than 18 months and no less than 12 months prior to the permit expiration. The facility may continue to operate subject to final action by SRCAA on the application, as long as a timely and complete application has been filed and all requested additional information

necessary to process the permit is submitted by the deadline specified in writing by SRCAA. [WAC 173-401-610, 10/4/93] [WAC 173-401-705, 10/4/93] [WAC 173-401-710(1), 9/16/02]

15. Permit Continuation. The permit will not expire until the renewal permit has been issued or denied if a timely and complete application has been submitted. [WAC 173-401-620(2)(j), 10/4/93]

16. Permit Shield. Compliance with a permit condition is deemed compliance with the applicable requirements identified in the permit upon which that condition is based, as of the date of permit issuance except that this shield will not affect the following:

- a. The provisions of Section 303 of the FCAA (emergency orders), including the authority of the Administrator under that section;
- b. The liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance;
- c. The ability of EPA to obtain information from the permittee pursuant to Section 114 of the FCAA;
- d. The ability of SRCAA to establish or revise requirements for the use of reasonably available control technology (RACT) as provided in Chapter 252, Laws of 1993.

[WAC 173-401-640(1) & (4), 10/4/93]

Inspection and Entry

Below are standard terms included in the subsection, Inspection & Entry. This subsection of the permit contains requirements for allowing authorized access to a facility for purposes of assuring/determining compliance with air quality requirements. Generally the language tracks the rule language closely with only minor changes for clarity and conciseness. There is no intent to alter the effect of the requirements.

17. Inspection and Entry. Upon presentation of credentials and other documents as may be required by law, the permittee must allow SRCAA, or an authorized representative, to enter a Chapter 401 facility or location where records are kept, to have access to and copy, at reasonable times records, to inspect, at reasonable times, any facility or equipment or operations regulated by the permit, and/or to perform sampling or monitoring, at reasonable times, for the purpose of assuring compliance. [WAC 173-401-630(2), 10/4/93]

Nothing in this condition limits the ability of EPA to inspect or enter the premises of the permittee under Section 114 of the FCAA. [WAC 173-401-640(4)(d), 10/4/93]

18. Obstruction of Access. No person may obstruct, hamper, or interfere with any authorized representative of SRCAA who requests entry for the purpose of inspection, and who presents appropriate credentials; nor may any person obstruct, hamper or interfere with any such inspection. [RCW 70.94.200, 1998 - STATE/LOCAL ONLY] [SRCAA Regulation I, Section 2.02E, 1/7/02 – STATE/LOCAL ONLY]

Emergency Provisions

Below are standard terms that are included in the subsection, Emergency Provisions. This subsection of the permit contains provisions, governing the treatment of periods of emissions in excess of applicable standards, when such emissions stem from unforeseeable events or arise from start-up, shutdown or maintenance, where design or operational practices could not preclude such emissions. Generally, the language tracks the rule language closely, with only minor changes for clarity or conciseness. There is no intent to alter the effect of the requirements.

19. Emergencies. This term incorporates the emergency provisions established in Chapter 173-401 WAC which allow for a positive defense to noncompliance with technology-based emission limitations if certain conditions are met. The time limits for reporting such emission events are included to assure that the permittee is aware of the timeframes. The time limits come from WAC 173-401-645 and WAC 173-401-615(3)(b). [WAC 173-401-645, 10/4/93] [WAC 173-401-615(3)(b), 9/16/02]

20. Excess Emissions. This term incorporates the excess emissions provisions of Chapter 173-400 WAC which require that the excess emissions be excused and not be subject to penalty if certain criteria are met. As with the emergency provision above, the time limits for reporting excess emissions are included in this term. [WAC 173-400-107, 8/20/93] [WAC 173-401-615(3)(b), 9/16/02]

21. Report of Breakdown. This term establishes the conditions under which violations of SRCAA Regulation I may be excused. It should be noted that this provision cannot be invoked for any federally enforceable requirement, as Section 6.08 is not in the State Implementation Plan. [SRCAA Regulation I, Section 6.08, 3/4/04 - STATE/LOCAL ONLY]

General Monitoring, Recordkeeping, & Reporting

Below are standard terms included in the subsection, General Monitoring, Recordkeeping, & Reporting. This subsection contains general requirements for monitoring, recordkeeping, and reporting. Monitoring, recordkeeping, & reporting requirements (MRRR) that apply to specific emission standards or specific emission activities are located in the second section of the permit. Generally, the language tracks the rule language closely, with only minor changes for clarity or conciseness. There is no intent to alter the effect of the requirements. However, in the terms, Monitoring Reports and Data Recovery, attempts have been made to clarify SRCAA's expectation of how the requirements will be met. The discussions below provide more detail on these efforts and the regulatory authority relied upon to establish the terms.

22. Records of Required Monitoring Information. This term details what records must be kept relating to monitoring. [WAC 173-401-615(2)(a), 9/16/02]

23. Permanent Shutdown of an Emission Unit - If an emission unit is permanently shut down, rendering existing permit terms and conditions irrelevant, the permittee will not be required, after the shutdown, to meet any monitoring, recordkeeping, and reporting requirements, no longer applicable for that emissions unit, once any residual requirements, such as the semi-annual report and annual compliance certification covering the last period during which the unit last operated, have been met. All records, relating to the shut down emissions unit, generated while the emissions unit was in operation, must be kept in accordance with Conditions 22 - Records of Required Monitoring Information and 26 – Retention of Records

Contemporaneous with the shutdown of the emission unit, the permittee must record the date that operation of the emissions unit ceased, using a log or file on site. The shutdown date must be reported to SRCAA on the monitoring report, required under Condition 27 - Monitoring Reports, covering the period during which the shutdown occurred. [WAC 173-401-725(4)(a), 10/4/93] [WAC 173-401-650(1)(a), 10/4/93]

24. Operational Flexibility. In the event that an emissions unit is not operated during a period equal to or greater than the monitoring period designated, no monitoring is required. Recordkeeping and reporting must note the reason why, and lengths of time that, the emissions unit was not operated. [WAC 173-401-650(1)(a), 10/4/93]

25. Records of Changes. The permittee must keep records of changes made at the source 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 such a change. [WAC 173-401-615(2)(b), 9/16/02]

26. Retention of Records. The permittee must keep monitoring data and support information for a period of five years. [WAC 173-401-615(2)(c), 9/16/02]

27. Monitoring Reports. The permittee must submit monitoring reports at least once every six months and such reports must identify all deviations from the permit requirements. The monitoring reports must be certified by a responsible official. SRCAA has added language to this condition that if monitoring reports are required, by an underlying requirement, to be submitted more frequently than every six months, the responsible official certification is only required for the semiannual reports but that the certification must cover all reports submitted since the last certification. The addition of this last requirement meets the intent of the law in that all reports are certified, while minimizing the burden on a source to go to the responsible official every time a report is submitted. Allowing a source this flexibility could become more important in the future, e.g., if SRCAA were to require a source to submit monitoring data by telemetry or by some other real time mechanism where responsible official certification would be

difficult, if not impossible. [WAC 173-401-615(3)(a), 9/16/02]

28. Prompt Reporting of Deviations. The permittee must promptly report deviations from permit requirements, the probable cause of such deviations, and any corrective measures taken. (Prompt is defined in this permit term and is consistent with the reporting time limits of terms in the **Emergency Provisions** section.) [WAC 173-401-615(3)(b), 9/16/02]

29. Emission Inventory. The permittee must submit an inventory of emissions from the source each year and must maintain records sufficient to document reported emissions. [WAC 173-400-105(1), 5/8/07(8/20/93)]

30. WAC 173-401-530(1)(a) Insignificant Emission Units. Emissions from units designated insignificant based solely on WAC 173-401-530(1)(a) must remain below threshold levels. Upon request from SRCAA, the permittee must demonstrate that the actual emissions from such a unit or activity are below the applicable emission thresholds. [WAC 173-401-530(6), 9/16/02]

31. Report Submittals. This term provides the address to which reports must be sent and requires all reports to be certified by a responsible official. [WAC 173-401-520, 10/4/93]

32. Rendering Device or Method Inaccurate. Mutual may not 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. [WAC 173-400-105(8), 5/8/07 – STATE / LOCAL ONLY]

Compliance Certification

As part of SRCAA's Title V program, sources are required to submit annual compliance certifications. (SRCAA may require more frequent certifications if the source is out of compliance or if an underlying requirement specifies more frequent submittals.) This subsection of the permit addresses the details of these compliance certification submittals, including how often submittals must occur, what the submittals must contain and to whom the certifications must be sent. Generally, the language tracks the rule language closely, with only minor changes for clarity or conciseness. There is no intent to alter the effect of the requirements.

33. Compliance Certification Submittals. This term covers the frequency for submitting compliance certifications. [WAC 173-401-630(5)(a), 10/4/93]

34. Compliance Certification Contents. This term describes what must be included in each compliance certification. [WAC 173-401-630(5)(c), 10/4/93] [WAC 173-401-530(c), 9/16/02]

35. Submittal to EPA. This term requires that certifications be sent to EPA as well as

SRCAA. [WAC 173-401-630(5)(d), 10/4/93]

Truth and Accuracy of Statements and Documents and Treatment of Documents

Below are standard terms contained in the subsection, Truth and Accuracy of Statements and Documents and Treatment of Documents. The terms are based on SRCAA's Regulation I. Generally, the language tracks the rule language closely, with only minor changes for clarity or conciseness. There is no intent to alter the effect of the requirements.

36. False Information. Mutual may not make any false 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. [WAC 173-400-105(7), 5/8/07(8/20/93)]

37. Falsification of Statements. This term prohibits willfully making false statements to SRCAA in any matter within SRCAA's jurisdiction. [SRCAA Regulation I, 2.08.A, 8/3/06 - STATE/LOCAL ONLY]

38. Alteration of Documents. This term prohibits the reproduction or alteration of any document issued by SRCAA, if the purpose of such is to evade or violate any requirement. [SRCAA Regulation I, 2.08.B, 8/3/06 - STATE/LOCAL ONLY]

39. Availability of Documents. Any order required to be obtained by SRCAA Regulation I must be available on the premises designated on the order. [SRCAA Regulation I, 2.08.C, 8/3/06 - STATE/LOCAL ONLY]

40. Posting of Notices. Notices which SRCAA requires to be displayed shall be posted. The permittee may not mutilate, obstruct, or remove any notice unless authorized to do so by the SRCAA. [SRCAA Regulation I, 2.08.D, 8/3/06 - STATE/LOCAL ONLY]

Applicable When Triggered Requirements

The subsection, Applicable When Triggered Requirements, contains requirements that do not apply to the facility unless certain activities at the site trigger the requirement. SRCAA has included these requirements in the permit, either because they are often triggered at sources or are important enough that their inclusion in the permit is warranted. Generally the language tracks the rule language closely with only minor changes for clarity or conciseness. There is no intent to alter the effect of the requirements. However, in the term, Source Testing, language has been added to clarify what an approved test method is, as the rule does not elaborate on what "approved" means. The discussion below provides more detail in regards to this.

41. New Source Review. Prior to the establishment of a new source, including modifications, the permittee may be required to file and obtain approval under SRCAA's Notice of Construction program. [WAC 173-400-110, -112, -113, 8/15/01 – STATE/LOCAL ONLY] [WAC 173-400-110, -112, -113, 8/20/93] [Chapter 173-460 WAC, 7/21/98 - STATE/LOCAL ONLY] [SRCAA Regulation I, Article V, 12/7/06 - STATE/LOCAL ONLY]

42. Replacement or Substantial Alteration of Existing Control Equipment. Prior to replacing or substantially altering existing control equipment, the permittee shall file and obtain approval under SRCAA's Notice of Construction program. [WAC 173-400-114, 8/15/01 - STATE/LOCAL ONLY] [SRCAA Regulation I, Article V, 12/7/06 - STATE/LOCAL ONLY]

43. Demolition and Renovation (Asbestos). The permittee must comply with applicable local, state, and federal requirements regarding demolition and renovation. [40 CFR 61 Subpart M, 2006] [WAC 173-400-075, 5/8/07] [SRCAA Regulation I, Article IX, 9/4/08 - STATE/LOCAL ONLY]

44. Source Testing. To demonstrate compliance Ecology or SRCAA may conduct or require that a test be conducted using approved methods per WAC 173-400-050, -060, & -105(4). All testing shall be performed in accordance with SRCAA Regulation I, Section 2.09, "Source Tests." Chapter 173-400 WAC does not elaborate on what "approved" means. Language has been added to this condition to clarify what SRCAA considers "approved". The condition requires that in order for a method to be approved it must be submitted to SRCAA at least 30 days prior to the test date, or a shorter period of time if indicated in writing by SRCAA, and SRCAA must approve the method in writing. Changes must also be approved by SRCAA in writing. [WAC 173-400-105(4), (8/20/93)] [WAC 173-400-105(4), (5/8/07) – STATE/LOCAL ONLY] [WAC 173-401-615(1), 9/16/02] [SRCAA Regulation I, Section 2.09, 2/7/08]

45. Fluoride Monitoring. When requested by the Department of Ecology, the permittee shall conduct a monitoring program to determine whether the Forage Standards in WAC 173-481-100 and the Ambient Standards in WAC 173-481-110 are being met. The monitoring program shall be approved in writing by the Department of Ecology. Monitoring data shall be submitted to the Department of Ecology and SRCAA. [WAC 173-481-100, 173-481-110, 173-481-150, & 173-481-160, 9/16/87 – STATE/LOCAL ONLY]

EMISSION LIMITATIONS & MONITORING, RECORDKEEPING & REPORTING

This section contains emission limitations and emission related requirements, including general requirements for the facility. The section is divided into several subsections. The first subsection lists limitations that apply facility-wide. Subsequent subsections focus on individual emission units or classes of similar emission units. As in all other sections of the permit, requirements that are not required under the FCAA are indicated by the phrase "STATE/LOCAL ONLY" after the legal citation.

This section of the permit is formatted differently from the STANDARD TERMS AND CONDITIONS section. Requirements are listed in columns. The actual requirement is given in the third column of the table. The regulatory basis for the applicable requirements is listed in

the second column of the emission limitation tables. The averaging time and reference test method, used to determine compliance with the requirement, are listed in the fourth and fifth columns, if applicable. The monitoring, recordkeeping, and reporting requirements (MRRR) used to determine compliance with the requirement are listed in the last column of the emission limitation tables.

The monitoring, recordkeeping, and reporting requirements (MRRR) are enforceable and are given in the last subsection of the permit. It should be noted that while a violation of a MRRR is a violation of the permit, it is not necessarily a violation of the underlying requirement.

For Mutual, this section contains three subsections:

FACILITY-WIDE EMISSION LIMITATIONS;
HAMMERMILL AND TWO CONVEYOR BELTS EMISSION LIMITATIONS; and
MONITORING, RECORDKEEPING, & REPORTING REQUIREMENTS.

The subsections and their contents are discussed in detail below except that rather than listing all MRRR at the end, MRRR are discussed in context of the applicable requirement(s) to which they apply.

If an applicable requirement does not include sufficient monitoring, recordkeeping, and reporting to satisfy WAC 173-401-615(1) & (2), the permit will establish adequate monitoring, recordkeeping and reporting. This is known as gapfilling. Applicable requirements for which gapfilling is proposed can be identified by the note, following the MRRR citation, indicating that at least a portion of the MRRR is from gapfilling.

Facility-wide Emission Limitations

This subsection contains applicable emission limitations which apply facility-wide. These emission limitations are applicable to all significant and insignificant emission units at the facility.

According to WAC 173-401-530, testing, monitoring, recordkeeping, and reporting are not required for insignificant emission units unless determined by the permitting authority to be necessary to assure compliance or unless it is otherwise required by a generally applicable requirement of the State Implementation Plan (SIP). SRCAA has determined that testing, monitoring, recordkeeping, and reporting are necessary for some of the insignificant emission units at Mutual. Specifically, SRCAA has determined that testing, monitoring, recordkeeping, and reporting are necessary for the insignificant emission units presented in Table 4 on Page 9 to assure compliance with the generally applicable requirements. Therefore, the MRRR associated with the facility-wide requirements are required for all significant emission units and for the insignificant emission units given in Table 4 on Page 6. The MRRR are not required for the insignificant emission units given in Table 3 on Page 5-6.

The following requirements are included in this section.

Condition 46: All emission units are required to use reasonably available control technology, in accordance with WAC 173-400-040. [WAC 173-400-040, 8/20/93] [WAC 173-400-040, 1/10/05 – STATE/LOCAL ONLY]

MRRR: No monitoring is required. As with all permit terms, Mutual must certify compliance with this condition annually, which includes making a reasonable inquiry to determine if this requirement was met during the reporting period.

Condition 47: Visible emissions shall not exceed 20%, as specified in WAC 173-400-040. [WAC 173-400-040(1), 173-400-040(1)(a), & 173-400-040(1)(b), 1/10/05 (8/20/93)]

MRRR: Mutual must perform weekly inspections during daylight hours while the facility is operating for the purpose of observing points of potential visible emissions and PM emissions from all emission units that are either significant emission units or insignificant emission units listed in Tables II.A-1 and II.A-2 of the air operating permit.

If visible emissions are observed during an inspection or are otherwise observed by the permittee, the permittee shall verify and certify that:

- 1) the visible emissions or PM emissions are not the result of equipment malfunction, and the equipment, if any, from which the emissions are released, is performing its normal, designed function;
- 2) the air pollution control equipment, if any, is being operated properly in accordance with normal operating procedures; and
- 3) if the visible emissions are the result of fugitive emissions, reasonable precautions are being taken to minimize emissions.

If 1), 2), and/or, 3) are not being met, corrective action must be taken as soon as possible, but no later than three days from discovery, to correct the problem. Taking corrective action does not relieve the permittee from complying with the underlying requirement, nor does it relieve the permittee from the obligation to report any permit deviations as required in Condition 28-Prompt Reporting of Deviations.

If visible emissions are still observed and 1), 2), and 3) are being met, the permittee shall perform or have performed, RM 9 (July 1, 1993) or Ecology Method 9A (July 12, 1990), whichever is applicable, on the source of the visible emissions. The test shall occur within a reasonable timeframe but no later than 24 hours after discovery of the emissions. If the visible emissions exceed the applicable standard, the permittee shall take timely and appropriate corrective action (as soon as possible, but within 24 hours) to address the problem. The

results of the RM 9 or Ecology Method 9A test shall be submitted to SRCAA within two working days of the test.

Taking corrective action does not relieve the permittee from complying with the underlying requirement, nor does it relieve the permittee from the obligation to report any permit deviations as required in Condition 28-Prompt Reporting of Deviations.

[WAC 173-401-615(1) & (2), 9/16/02] [WAC 173-400-050(1), 1/10/05 (2/19/91)] [WAC 173-400-060, (2/19/91)] [WAC 173-400-060, 1/10/05 – STATE/LOCAL ONLY] [WAC 173-400-105(4), 8/20/93] [WAC 173-400-105(4), 1/10/05 – STATE/LOCAL ONLY] NOTE: This is a gapfilling MRRR.

Condition 48: Visible Emissions shall not equal or exceed 20%, as specified in SRCAA Regulation I, 6.02 - STATE/LOCAL ONLY [SRCAA Regulation I, 6.02, 9/1/05 - STATE/LOCAL ONLY]

MRRR: The same monitoring is required as for Visible Emissions, WAC 173-400-040, given in Condition 47. [WAC 173-401-615(1) & (2), 9/16/02] [WAC 173-400-050(1), 1/10/05 (2/19/91)] [WAC 173-400-060, (2/19/91)] [WAC 173-400-060, 1/10/05 – STATE/LOCAL ONLY] [WAC 173-400-105(4), 8/20/93] [WAC 173-400-105(4), 1/10/05 – STATE/LOCAL ONLY] NOTE: This is a gapfilling MRRR.

Condition 49: No person shall cause or permit the emission of particulate matter from any source to be deposited (fallout) beyond the property under direct control of the owner or operator of the source in sufficient quantity to unreasonably interfere with the use and enjoyment of the property upon which the material is deposited. [WAC 173-400-040(2), 1/10/05 - STATE/LOCAL ONLY] [SRCAA Regulation I, Section 6.05.A, 3/4/04 (11/12/93)]

MRRR: Mutual must perform weekly inspections of the facility during daylight hours while the facility is operating to verify that fallout is not occurring and must record and investigate complaints received regarding fallout.

Potential fugitive emissions from the facility include dust from clay mining, clay stockpiling, haul roads, clay storage, parking lots, etc. Weekly inspections should reasonably assure compliance because Mutual has a consistent compliance history. In addition, the property is large and is not adjacent to any neighbors (i.e., likelihood of impacting neighbors is low).

If potential violations of the requirement are observed during the weekly inspections and/or as part of the complaint investigation, Mutual must take timely and appropriate corrective action.

Taking corrective action does not relieve Mutual from the obligation to comply

with the underlying emission limitation, nor does it relieve Mutual from reporting any permit deviations as required in Condition 28-Prompt Reporting of Deviations.

Mutual must maintain records of each inspection and complaint investigation. Records must include the date and time of the inspection, observations made, the date and time of any complaints received, the date and time of the complaint investigation, the results of complaint investigations, a description of any corrective action taken, and any other information required in permit condition 22-Records of Required Monitoring Information. Records must be kept in accordance with Condition 26-Retention of Records, and, upon request, such records must be made available for inspection by SRCAA staff or other authorized representatives.

For permit conditions that require reasonable precautions to be taken or that call for the use of recognized good practices or procedures or effective control apparatus and measures, examples of reasonable precautions; recognized good practices and procedures; and effective control apparatus and measures are given in the permit.

[WAC 173-401-615(1) &(2), 9/16/02] NOTE: This is a gapfilling MRRR.

Condition 50: Reasonable precautions must be taken to:

- a) Prevent PM from becoming airborne when constructing, altering, repairing, or demolishing buildings, appurtenances, and roads;
- b) Prevent tracking of PM onto paved roadways open to the public;
- c) Prevent the release of air contaminants, as specific in WAC 173-400-040(3)(a), if located in an attainment area and not impacting a NAA;
- d) Prevent PM from becoming airborne when handling, transporting, and /or storing PM; and
- e) Prevent fugitive dust from becoming airborne and source must be maintained and operated to minimize emissions.

[SRCAA Regulation I, 6.05.C, 3/4/04(11/12/93)] [SRCAA Regulation I, 6.05.D, 3/4/04(11/12/93)] [WAC 173-400-040(3)(a), 1/10/05(11/12/93)] [SRCAA Regulation I, Section 6.05.B, 3/4/04(11/12/93)] [WAC 173-400-040(8)(a), 1/10/05(8/20/93)]

MRRR: The same monitoring is required as for WAC 173-400-040(2) – Fallout, given in Condition 49. Mutual must perform weekly inspections during daylight hours while the facility is operating, investigate complaints, and take corrective action if potential problems are identified. [WAC 173-401-615(1) & (2), 9/16/02] NOTE: This is a gapfilling MRRR.

Condition 51: Recognized good practices and procedures must be used to reduce odors to a reasonable minimum, in accordance with WAC 173-400-040(4). [WAC 173-400-040(4), 1/10/05- STATE/LOCAL ONLY]

MRRR: The monitoring is the same as required for WAC 173-400-040(2) - Fallout, given in Condition 49. Mutual must perform weekly inspections during daylight hours while the facility is operating, investigate complaints, and take corrective action if potential problems are identified. [WAC 173-401-615(1) & (2), 9/16/02] NOTE: This is a gapfilling MRRR.

Condition 52: Effective control apparatus and measures shall be installed and operated to reduce odor-bearing gases and particulate matter to a reasonable minimum – STATE/LOCAL ONLY [SRCAA Regulation, 6.04, 3/4/04 - STATE/LOCAL ONLY]

MRRR: The monitoring is the same as required for WAC 173-400-040(2) - Fallout, given in Condition 49. Mutual must perform weekly inspections during daylight hours while the facility is operating, investigate complaints, and take corrective action if potential problems are identified. [WAC 173-401-615(1) & (2), 9/16/02] NOTE: This is a gapfilling MRRR.

Condition 53: No person shall cause or permit the emission of any air contaminant from any source if it is detrimental to the health, safety, or welfare of any person, or causes damage to property or business – STATE/LOCAL ONLY [WAC 173-400-040(5), 1/10/05(8/20/93)] [SRCAA Regulation I, 6.06.A, 3/4/04 - STATE/LOCAL ONLY]

MRRR: The monitoring is the same as for WAC 173-400-040(2) - Fallout, given in Condition 49. Mutual must perform weekly inspections during daylight hours while the facility is operating, investigate complaints, and take corrective action if potential problems are identified. [WAC 173-401-615(1) & (2), 9/16/02] NOTE: This is a gapfilling MRRR.

Condition 54: No person shall cause or permit the installation or use of any means which conceals or masks an emission of an air contaminant which would otherwise violate any provisions of Chapter 173-400 WAC – STATE/LOCAL ONLY [WAC 173-400-040(7), 8/15/01(8/20/93)] [SRCAA Regulation, 6.07, 1/13/99 - STATE/LOCAL ONLY]

MRRR: No monitoring is required. As with all permit terms, Mutual must certify compliance with this condition annually, which includes making a reasonable inquiry to determine if this prohibited activity was conducted during the reporting period.

Condition 55: Particulate matter emissions from combustion and incineration units shall not

exceed 0.1 gr/dscf corrected to 7% oxygen, as specified in WAC 173-400-050(1) & WAC 173-400-050(3). [WAC 173-400-050(1) & WAC 173-400-050(3), 8/15/01(2/19/91)]

MRRR: Because of the general correlation between particulate matter emissions and visible emissions (i.e., visible emissions are an indicator of particulate matter), monitoring focuses on identifying visible emissions. Mutual must perform weekly inspections during daylight hours while the facility is operating for the purpose of observing points of potential visible emissions and PM emissions from all combustion units that are either significant emission units or insignificant emission units listed in Tables II.A-1 and II.A-2 of the air operating permit.

Weekly inspections of the emission units should reasonably assure compliance because all of the combustion units burn only natural gas and/or propane, which are clean burning fuels which do not create high levels of particulate emissions when burned in properly operated combustion units.

If visible emissions are observed during an inspection or are otherwise observed by the permittee, the permittee shall verify and certify that:

- 1) the visible emissions or PM emissions are not the result of equipment malfunction, and the equipment, if any, from which the emissions are released, is performing its normal, designed function;
- 2) the air pollution control equipment, if any, is being operated properly in accordance with normal operating procedures; and
- 3) if the visible emissions are the result of fugitive emissions, reasonable precautions are being taken to minimize emissions.

If 1), 2), and/or, 3) are not being met, corrective action must be taken as soon as possible, but no later than three days from discovery, to correct the problem. Taking corrective action does not relieve the permittee from complying with the underlying requirement, nor does it relieve the permittee from the obligation to report any permit deviations as required in Condition 28-Prompt Reporting of Deviations.

If visible emissions are still observed and 1), 2), and 3) are being met, Mutual is required to perform the permittee shall perform, or have performed, RM 5 (July 1, 1993) on the source of the emissions. The test shall occur within a reasonable timeframe but no later than 30 days after discovery of the emissions. The results of the RM 5 test shall be submitted to SRCOA as soon as possible but no later than 45 days after the testing. If measured emissions exceed the applicable standard, the permittee shall take appropriate and timely corrective action to address the problem.

Taking corrective action does not relieve the permittee from complying with the underlying requirement, nor does it relieve the permittee from the obligation to report any permit deviations as required in Condition 28-Prompt Reporting of Deviations.

In addition to the weekly inspections, as mentioned above, since all of the combustion units only burn natural gas and/or propane, the exclusive use of natural gas and propane helps to assure compliance with this requirement. Mutual will be required to certify that only these fuels were used.

In addition, regularly scheduled maintenance is required on the tunnel kiln to ensure it is in good operating condition. Records of maintenance are required to be kept. [WAC 173-401-615(1) & (2), 9/16/02] NOTE: This is a gapfilling MRRR.

Condition 56: Particulate matter emissions from general process units shall not exceed 0.1 gr/dscf, as specified in WAC 173-400-060. [WAC 173-400-060, 2/19/91] [WAC 173-400-060, 1/10/05 – STATE/LOCAL ONLY]

MRRR: The same monitoring is required as for Condition 55. Because of the general correlation between particulate matter emissions and visible emissions (i.e., visible emissions are an indicator of particulate matter), monitoring focuses on identifying visible emissions. In addition, Mutual is required to certify that only natural gas and propane were used and perform regularly scheduled maintenance on the tunnel kiln. [WAC 173-401-615(1) & (2), 9/16/02] NOTE: This is a gapfilling MRRR.

Condition 57: SO₂ emissions from each unit shall not exceed 1000 ppm on a dry basis corrected to 7% oxygen, as specified in WAC 173-400-040(6). [WAC 173-400-040(6), 1/10/05(8/20/93)]

MRRR: Because SO₂ emissions at this source only occur from combustion units, monitoring for this requirement consists of using only allowed fuels. The permit limits the source to use of natural gas or propane. With the typical sulfur content in natural gas and propane, equipment burning these fuels should always meet the SO₂ limit. [WAC 173-401-615(1) & (2), 9/16/02] NOTE: This is a gapfilling MRRR.

Condition 58: No use of excess stack height or dispersion techniques to meet ambient air quality standards or PSD increments except as allowed under WAC 173-400-200. [WAC 173-400-200, 1/10/05(2/19/91)]

MRRR: No monitoring is required. As with all permit terms, Mutual must certify compliance with this condition annually, which includes making a reasonable inquiry to determine if this prohibited activity was conducted during the reporting period.

Condition 59: No varying of emissions according to atmospheric conditions or ambient concentrations is allowed, except as allowed under WAC 173-400-205. [WAC 173-400-205, 2/19/91]

MRRR: No monitoring is required. As with all permit terms, Mutual must certify compliance with this condition annually, which includes making a reasonable inquiry to determine if this prohibited activity was conducted during the reporting period.

Condition 60: No outdoor burning, except as allowed under Chapter 173-425 WAC and/or SRCAA Regulation I, 6.01. [Chapter 173-425 WAC, 3/13/00 - STATE/LOCAL ONLY] [SRCAA Regulation I, 6.01, 3/4/04 - STATE/LOCAL ONLY]

MRRR: No monitoring is required. As with all permit terms, Mutual must certify compliance with this condition annually, which includes making a reasonable inquiry to determine if this prohibited activity was conducted during the reporting period.

Condition 61: Handling and use of chlorofluorocarbons (CFCs) must be in accord with 40 CFR Part 82. 40 CFR Part 82, 2006 (except those subparts for which a shield is granted in Section III below)

MRRR: No monitoring is required. As with all permit terms, Mutual must certify compliance with this condition annually, which includes making a reasonable inquiry to determine if this requirement was met during the reporting period.

Hammermill and Two Conveyor Belts Emission Limitations

This subsection of the permit contains applicable emission limitations applying to the hammermill and associated conveyor belts installed in 1997. The following requirements are included in this subsection.

Condition 62: Sufficient water shall be added to the clay to control emissions from the hammermill and associated transfer points according to the approved operation plan for the hammermill, dated October 27, 1998 and December 8, 1998, as revised on August 27, 2001. [NOC #845, Condition 2, 9/10/97 as revised on 7/23/02]

MRRR: Mutual is required to follow the approved hammermill operation plan, dated October 27, 1998 and December 8, 1998, as revised on August 27, 2001, and August 25, 2004, or a subsequent SRCAA approved revised plan. All revisions to the plan are required to be approved by SRCAA prior to implementation.

Per the approved operation plan, the following monitoring shall occur at least

once per clay type (when two or more types of clay are processed through the hammermill in one day) and at least twice per day (when only one type of clay is processed through the hammermill in one day):

- a. Visible emission readings at the hammermill shall be taken and recorded by observers using EPA Method 22. The permittee shall take the following corrective actions whenever visible emissions are observed:
 - i. Whenever any visible emissions are observed from the hammermill, using EPA Method 22, the permittee must immediately increase the amount of water added prior to the hammermill; and
 - ii. After the permittee increases the amount of water added prior to the hammermill, if visible emissions are still observed, using EPA Method 22, visible emission readings must be taken by a certified Method 9 observer. If visible emissions exceed the applicable opacity standard for the hammermill, the hammermill must be shut down immediately.
- b. Measurements or estimates of the moisture content of the clay being processed through the hammermill shall be recorded.

All records required in the plan must be kept in accordance with Condition 26- Retention of Records, and, upon request, made available for inspection by SRCAA staff or other authorized representatives.

[NOC #845, Condition 2, 9/10/97 as revised on 7/23/02] [WAC 173-401-615(1) & (2), 9/16/02]

Condition 63: Opacity from the hammermill and transfer points on the two conveyor belts approved under NOC #845 shall not exceed 10%. [NOC #845, Condition 3, 9/10/97 as revised on 7/23/02]

MRRR: Mutual is required to follow the approved hammermill operation plan, dated October 27, 1998 and December 8, 1998, as revised on August 27, 2001 and August 25, 2004, or a subsequent SRCAA approved revised plan, as described in the MRRR for Condition 62.

In addition to the records required in the operation plan, Mutual is required to keep records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of the hammermill or two conveyor belts; performance test measurements and results; and all other information required in 40 CFR Part 60.

In addition to the monitoring required under the operation plan, Mutual is required to perform weekly inspections during daylight hours while the facility is operating for the purpose of observing points of potential visible emissions and PM emissions (see MRRR associated with Condition 47). The weekly inspections

will help assure compliance with the opacity standard.

[40 CFR § 60.7(b) & (f),1996] [WAC 173-400-115, 5/8/07] [NOC #845, Conditions 2, 5, & 8, 9/10/97 as revised on 7/23/02] [WAC 173-401-615(1) & (2), 9/16/02] [WAC 173-400-050(1), 1/10/05(2/19/91)] [WAC 173-400-060, 2/19/91] [WAC 173-400-060, 1/10/05 – STATE/LOCAL ONLY] [WAC 173-400-105(4), 8/20/93] [WAC 173-400-105(4), 1/10/05 – STATE/LOCAL ONLY] NOTE: Portions of this MRRR are gapfilling.

Condition 64: Fugitive emissions from the two conveyor belts transfer points into the atmosphere shall not exceed 10% opacity. (Truck dumping of nonmetallic minerals into any screen, feed hopper, or crusher is exempt from this requirement.) The opacity standard shall apply at all times except during periods of startup, malfunction, and as otherwise provided for in 40 CFR 60, Subpart OOO. [40 CFR § 60.672(b), 2002] [40 CFR § 60.11(c), 2002] [WAC 173-400-115, 5/8/07]

MRRR: The same MRRR is required as for Condition 63. Mutual is required to follow the approved hammermill operation plan, which includes visible emission checks, clay moisture checks, and recordkeeping requirements. Mutual is also required to keep all records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of the hammermill or two conveyor belts; performance test measurements and results; and all other information required in 40 CFR Part 60.

In addition to the monitoring required under the operation plan, Mutual is required to perform weekly inspections during daylight hours while the facility is operating for the purpose of observing points of potential visible emissions and PM emissions (see MRRR associated with Condition 47). The weekly inspections will help assure compliance with the opacity standard.

[40 CFR § 60.7(b) & (f),1996] [WAC 173-400-115, 5/8/07] [NOC #845, Conditions 2, 5, & 8, 9/10/97 as revised on 7/23/02] [WAC 173-401-615(1) & (2), 9/16/02] [WAC 173-400-050(1), 1/10/05(2/19/91)] [WAC 173-400-060, 2/19/91] [WAC 173-400-060, 1/10/05 – STATE/LOCAL ONLY] [WAC 173-400-105(4), 8/20/93] [WAC 173-400-105(4), 1/10/05 – STATE/LOCAL ONLY] NOTE: Portions of this MRRR are gapfilling.

Condition 65: Fugitive emissions from the hammermill into the atmosphere shall not exceed 15% opacity. (Truck dumping of nonmetallic minerals into any screen, feed hopper, or crusher is exempt from this requirement.) The opacity standard shall apply at all times except during periods of startup, malfunction, and as otherwise provided for in 40 CFR 60, Subpart OOO. [40 CFR § 60.672(c), 2002] [40 CFR § 60.11(c), 2002] [WAC 173-400-115, 5/8/07]

MRRR: The same MRRR is required as for Condition 63. Mutual is required to follow the approved hammermill operation plan, which includes visible emission checks, clay moisture checks, and recordkeeping requirements. Mutual is also required to keep all records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of the hammermill or two conveyor belts; performance test measurements and results; and all other information required in 40 CFR Part 60.

In addition to the monitoring required under the operation plan, Mutual is required to perform weekly inspections during daylight hours while the facility is operating for the purpose of observing points of potential visible emissions and PM emissions (see MRRR associated with Condition 47). The weekly inspections will help assure compliance with the opacity standard.

[40 CFR § 60.7(b) & (f), 1996] [WAC 173-400-115, 5/8/07] [NOC #845, Conditions 2, 5, & 8, 9/10/97 as revised on 7/23/02] [WAC 173-401-615(1) & (2), 9/16/02] [WAC 173-400-050(1), 1/10/05(2/19/91)] [WAC 173-400-060, 2/19/91] [WAC 173-400-060, 1/10/05 – STATE/LOCAL ONLY] [WAC 173-400-105(4), 8/20/93] [WAC 173-400-105(4), 1/10/05 – STATE/LOCAL ONLY] NOTE: Portions of this MRRR are gapfilling.

Condition 66: The permittee shall not conceal any emission which would otherwise constitute a violation of an applicable standard under 40 CFR Part 60 (e.g., addition of diluent gases). [40 CFR § 60.12, 2002] [WAC 173-400-115, 5/8/07]

MRRR: No monitoring is required. As with all permit terms, Mutual must certify compliance with this condition annually, which includes making a reasonable inquiry to determine if this prohibited activity was conducted during the reporting period.

Condition 67: At all times, including periods of startup, shutdown, and malfunction, to the extent possible, the hammermill and two conveyor belts, and associated air pollution control equipment shall be operated in a manner consistent with good air pollution control practices for minimizing emissions. [40 CFR § 60.11(d) , 2002] [WAC 173-400-115, 5/8/07]

MRRR: No monitoring is required. As with all permit terms, Mutual must certify compliance with this condition annually, which includes making a reasonable inquiry to determine if this requirement was met during the reporting period.

Condition 68: Mutual Materials is limited to an annual production rate of 84,000 tons of fired products in the tunnel kiln and 3,000 tons of fired products in the periodic kilns, based on a 12-month rolling total. [NOC #845, Condition 5, 9/10/97 as revised on 7/23/02]

MRRR: Mutual is required to keep monthly records of the total tons of clay and clay products processed through the hammermill and report the total annually on the emission inventory forms submitted pursuant to Condition 29-Emission Inventory. Mutual is also required to keep monthly records of the total tonnage of fired products in the tunnel kiln and periodic kilns. By the 15th after the end of each month, the tonnage of fired products in the tunnel kiln and periodic kilns must be totaled for the past 12 months. [NOC #845, Condition 5 & 8, 9/10/97 as revised on 7/23/02]

Condition 69: Only clay and clay products, intended for use as raw materials in products fired in the tunnel kiln and periodic kilns, may be processed in the hammermill. [NOC #845, Condition 5, 9/10/97 as revised on 7/23/02]

MRRR: No monitoring is required. As with all permit terms, Mutual must certify compliance with this condition annually, which includes making a reasonable inquiry to determine if this requirement was met during the reporting period.

Condition 70: Notification of any physical change which may increase PM emissions along with a description of the nature of the change shall be submitted to SRCAA at least 60 days, or as soon as practicable, prior to the change. NOTE: If applicable, the Notice of Construction provisions of Condition 41-New Source Review must also be met prior to making the change. [NOC #845, Condition 7.b, 9/10/97 as revised on 7/23/02] [40 CFR § 60.7(a)(4), 2002] [WAC 173-400-115, 5/8/07]

MRRR: No monitoring is required. As with all permit terms, Mutual must certify compliance with this condition annually, which includes making a reasonable inquiry to determine if this requirement was met during the reporting period.

Condition 71: A copy of NOC #845 along with the approval letter dated 9/10/97 shall be kept on file at the facility and made available to SRCAA personnel upon request. [NOC #845, Condition 9, 9/10/97 as revised on 7/23/02]

MRRR: No monitoring is required. As with all permit terms, Mutual must certify compliance with this condition annually, which includes making a reasonable inquiry to determine if this requirement was met during the reporting period.

Notice of Construction #845 approved for the hammermill and two conveyor belts also contain conditions that are either one-time requirements that have been fulfilled, that were included for informational purposes only, or for some other reason, no longer apply. These conditions are listed below and are not included in Mutual's operating permit.

CITATION	DESCRIPTION	REASON NOT INCLUDED IN THE PERMIT
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NOC #845, Condition 1, 9/10/97 as revised on 7/23/02	Notification of start-up of the hammermill and conveyor belts.	This is a one-time condition that has been met.
NOC #845, Condition 4, 9/10/97 as revised on 7/23/02	Water fog nozzle inspection requirements	Per Condition 2 of NOC #845, SRCAA approved a hammermill operation plan, which allows Mutual to discontinue use of the water fog nozzles to control emissions from the hammermill, provided that sufficient water is added to the clay to control emissions from the hammermill and associated transfer points. Since the water fog nozzles are not required, the requirement to inspect the water fog nozzles is not applicable and therefore, is not included in the permit.
NOC #845, Condition 6, 9/10/97 as revised on 7/23/02	Initial testing requirements to demonstrate compliance with the opacity requirements in 40 CFR 60, Subpart OOO.	Initial testing was conducted on 10/23/98. The test report was submitted to SCAPCA on 10/28/98. This is a one-time requirement that has been met.
NOC #845, Condition 7a, 7c, 7d, & 7e., 9/10/97 as revised on 7/23/02	One-time notifications required under 40 CFR 60, Subpart OOO	Condition 7a: A letter was submitted to SCAPCA on 9/22/98 with notification of the actual start-up. Condition 7c: A letter was submitted to SCAPCA on 9/22/98 with notification of the anticipated date for opacity testing Condition 7d: There was no delay in conducting the opacity test, so this requirement is no longer applicable. Condition 7e: The opacity test report was submitted to SCAPCA on 10/28/98. All of the one-time reporting requirements under 40 CFR 60, Subpart OOO have been met.
NOC #845, Condition 10, 9/10/97 as revised on 7/23/02	NOC approval becomes void if construction not commenced within 18 months.	Construction began within the allowable time.

OPERATIONAL FLEXIBILITY

According to WAC 173-401-650, each permit shall contain terms and conditions for reasonable anticipated operating scenarios identified by the source in its application as approved by the permitting authority. The terms and conditions are subject to the requirements of WAC 173-401-650(1)(a) – (c). Mutual did not specifically identify any alternate operating scenarios in their application.

PERMIT SHIELD FINDINGS

This final section of the permit lists regulations for which the facility has requested, and SRCAA proposes to grant, a permit shield per WAC 173-401-640(2). The findings on which this shield is based are given below. These findings are summarized in the permit.

Requirements For Which a Shield Will Be Granted

WAC 173-400-101 (Registration issuance) [3/22/95]

Findings: WAC 173-400-101(7) specifically exempts sources required to obtain Chapter 401 permits from the registration requirement. For this reason, this requirement has been determined not to apply to Mutual.

SRCAA Regulation I, Sections 4.01 & 4.02 (Registration) [2/1/07 – STATE/LOCAL ONLY]

Findings: SRCAA Regulation I, Article IV requires that certain air contaminant sources register with SRCAA. The registration requirement is established pursuant to RCW 70.94.151. State law, RCW 70.94.161(17), exempts air operating permit sources from registration programs established pursuant to RCW 70.94.151. For this reason the requirement has been determined not to apply to Mutual.

SRCAA Regulation I, Section 6.14 (Standards for control of particulate matter on paved surfaces) [5/3/07(2/13/99)]

Findings: SRCAA Regulation I, Section 6.14 applies to any state, county, city or local government that applies sanding materials to or mechanically sweeps or vacuums paved surfaces within the Spokane Nonattainment area. Because Mutual is not located in the Spokane PM10 Nonattainment area, the rule does not apply.

SRCAA Regulation I, Section 6.15 (Standards for control of particulate matter on unpaved roads) [5/3/07(2/13/99)]

Findings: SRCAA Regulation I, Section 6.15 applies to governmental entities responsible for the maintenance of unpaved roads within the Spokane PM10 Nonattainment area. Because Mutual is not a governmental entity, the rule does not apply.

Requirements For Which a Shield Will Not Be Granted

WAC 173-400-075 (Emission standards for source emitting hazardous air pollutants, 7/11/02
NOTE: Portions of this section are STATE/LOCAL ONLY, i.e., portions for which EPA has not given delegation to Ecology and local authorities.)

Findings: SRCAA will only grant a shield from a requirement if enough information is provided, proving that the requirement does not apply. In this case, where a shield from a whole class of requirements is requested and no justification is given beyond a statement that the requirements do not apply, SRCAA does not have the necessary information to make a determination.

Also, the best use of the permit shield occurs when the shield is requested for requirements where there is a question as to the applicability. For instance, if a boiler fits the size applicability of a new source performance standard (NSPS), but was installed prior to the NSPS effective date and has not been modified or reconstructed since that date, then a shield is appropriate. There is no reason to request a shield for the boiler from other NSPS which clearly do not apply, such as asphalt concrete plant NSPS. For these reasons no shield from WAC 173-400-075 will be granted unless specific information is provided regarding why the requirement does not apply.

WAC 173-400-110 (New Source Review, 8/15/01)

Findings: SRCAA cannot grant a shield for new source review (NSR) for the entire facility. If the facility wishes to obtain a shield from NSR, it must list the specific stationary sources for which it would like the shield. Also the source must provide more detailed history of each stationary source for which the shield is requested covering the period from when the NSR requirement was first established to the present, to show that the source has not been modified as defined in Chapter 173-400 WAC.

Chapter 173-460 (Controls for New Sources of Toxic Air Pollutants - STATE/LOCAL ONLY)

Findings: As noted above in the discussion regarding NSR, SRCAA cannot grant a shield from Chapter 173-460 WAC for the entire facility. If the source wishes to obtain a shield for specific stationary sources, it must provide more information regarding the history of those stationary sources to show that the shield is warranted.

Chapter 173-433 & SRCAA Regulation I, Article VIII (Solid Fuel Burning Devices - WAC 173-433-140 is STATE/LOCAL ONLY)

Findings: It is not appropriate to grant a shield for such a broad regulation. If the source had a solid fuel burning device that was exempt from these regulations or a device that could be construed to be a solid fuel burning device, but in fact was not, it would be appropriate for the source to request a shield for this device. In this case, where there are no solid fuel burning devices at the site, a shield is not necessary. In addition, portions of

the regulations apply to the sale and or installation of solid fuel burning devices for which a shield is not appropriate.

40 CFR Part 58 (Ambient Air Quality Surveillance, 1996)

Findings: SRCAA's response to Mutual's request for a shield from this regulation is the same as for WAC 173-400-075 above. The request is too broad. If the source wishes to pursue this request, it must list the specific requirements of 40 CFR Part 68 for which the shield is requested and must provide justification for the request.

PREPARED BY: _____
April L. Westby

DATE: _____

This Statement of Basis and the Operating Permit to which it applies have been reviewed by:

_____, P.E.
April Westby, P.E.

DATE: _____

Ronald J. Edgar, Chief of Technical Services

DATE: _____

William Dameworth, Control Officer

DATE: _____