



AIR OPERATING PERMIT

Puget Sound Clean Air Agency
110 Union Street, Suite 500
Seattle, Washington 98101

Issued in accordance with the provisions of Puget Sound Clean Air Agency (previously known as Puget Sound Air Pollution Control Agency (PSAPCA)) Regulation I, Article 7 and Chapter 173-401 WAC.

Pursuant to Puget Sound Clean Air Agency Regulation I, Article 7, and Chapter 173-401 WAC, Division of United States Bakery, Franz Northern Division - 6th Avenue is authorized to operate subject to the terms and conditions in this permit.

PERMIT NO.: 11285	DATE OF ISSUANCE: December 18, 2003 Administrative Revision: January 23, 2004
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ISSUED TO: Division of United States Bakery, Franz Northern Division – 6 th Avenue
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PERMIT EXPIRATION DATE: December 18, 2008
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SIC Code:	2051
Primary Nature of Business:	Manufacture of breads
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I. EMISSION LIMITS AND PERFORMANCE STANDARDS

The following tables list the citation for the “applicable requirement” in the second column. The third column (Date) contains the adoption or effective date of the requirement. In some cases, the effective dates of the Federally Enforceable Requirement and the State Only Requirement are different because only rules approved by EPA through Sections 110, 111, and 112 of the federal Clean Air Act are federally enforceable, and either the state has not submitted the regulation to the EPA or the EPA has not approved it.

The first column is used as an identifier for the requirement, and the fourth (Requirement Paraphrase) column paraphrases the requirement. The first and fourth columns are for information only and are not enforceable conditions of this permit. The actual enforceable requirement is embodied in the requirement cited in the second and third columns.

The fifth column (Monitoring, Maintenance & Recordkeeping Method) identifies the methods described in Section II of the permit. Following these methods is an enforceable requirement of this permit. The sixth (Emission Standard Period) column identifies the averaging time for the reference test method. The last column (Reference Test Method) identifies the reference method associated with an applicable emission limit that is to be used when a source test is required. In some cases where the applicable requirement does not cite a test method, one has been added.

In the event of conflict or omission between the information contained in the fourth and sixth columns and the actual statute or regulation cited in the second column, the requirements and language of the actual statute or regulation cited shall govern. For more information regarding any of the requirements cited in the second and third columns, refer to the actual requirements cited.

A. FACILITY WIDE EMISSIONS LIMITS

The requirements in this section apply facility-wide to all the emission units regulated by this permit except that monitoring methods specified elsewhere in the permit for specific applicable requirements for specific emission units or activities supersede the general monitoring requirements listed in Section I.A.

Table 1 Facility-Wide Applicable Requirements

Reqmt. No.	Enforceable Requirement	Adoption or Effective Date	Requirement Paraphrase (Information Only)	Monitoring, Maintenance & Recordkeeping Method (See Section II)	Emission Standard Period	Reference Test Method
I.A.1	<p>Puget Sound Clean Air Agency Reg I: 9.03 <i>This requirement will be superseded upon adoption of the 3/11/99 version of Reg I: 9.03 into the SIP</i></p> <p><i>Puget Sound Clean Air Agency Reg. I: 9.03 (State Only). This requirement will become federally enforceable upon adoption into the SIP and will replace the 9/08/94 version of Reg I: 9.03</i></p> <p>WAC 173-400-040(1) <i>This requirement will be superseded upon adoption of the 09/15/01 version of WAC 173-400-040(1) into the SIP</i></p> <p>WAC 173-400-040(1) (State Only). <i>This requirement will become federally enforceable upon adoption into the SIP and will replace the 8/20/1993 version of WAC 173-400-040(1)</i></p>	<p>09/08/1994</p> <p>03/11/1999</p> <p>08/20/1993</p> <p>09/15/2001</p>	<p>Shall not emit air contaminants in excess of 20% opacity for more than 3 minutes per hour</p>	<p>II.A.1(a) Opacity monitoring</p>	<p>More than 3 min in any 1 hr</p>	<p>Ecology Method 9A (See Section IX)</p>
I.A.2	<p>Puget Sound Clean Air Agency Reg I: 9.09(a) <i>This requirement will be superseded upon adoption of the 4/9/98</i></p>	<p>02/10/1994</p>	<p>Shall not emit particulate matter in excess of 0.05 gr/dscf from equipment used in a manufacturing process and</p>	<p>II.A.1(a) Opacity monitoring</p>	<p>Average of 3 1-hr</p>	<p>Puget Sound Clean Air</p>

Reqmt. No.	Enforceable Requirement	Adoption or Effective Date	Requirement Paraphrase (Information Only)	Monitoring, Maintenance & Recordkeeping Method (See Section II)	Emission Standard Period	Reference Test Method
	<p><i>version of Reg I: 9.09 into the SIP</i></p> <p>WAC 173-400-060</p> <p><i>(State Only). This requirement will become federally enforceable upon adoption into the SIP and will replace the 8/20/1993 version of WAC 173-400-060</i></p> <p>WAC 173-400-060 <i>This requirement will be superseded upon adoption of the 09/15/01 version of WAC 173-400-060 into the SIP</i></p> <p>Puget Sound Clean Air Agency Reg I: 9.09 <i>(State Only) This requirement will become federally enforceable upon adoption of the 4/9/1998 version of Reg I: 9.09 into the SIP</i></p>	<p>09/15/2001</p> <p>08/20/1993</p> <p>04/09/1998</p>	<p>general process units, uncorrected for excess air</p>		<p>runs</p>	<p>Agency Method 5 (See Section IX)</p>
I.A.3	<p>Puget Sound Clean Air Agency Reg I: 9.09(a) <i>This requirement will be superseded upon adoption of the 4/9/98 version of Reg I: 9.09 into the SIP</i></p> <p>WAC 173-400-050 <i>This requirement will be superseded upon adoption of the 09/15/01 version of WAC 173-400-050 into the SIP</i></p>	<p>02/10/1994</p> <p>08/20/1993</p>	<p>Shall not emit particulate matter in excess of 0.05 gr/dscf corrected to 7% O₂ from fuel burning equipment and combustion sources</p>	<p>II.A.1(a) Opacity monitoring</p>	<p>Average of 3 1-hr runs</p>	<p>Puget Sound Clean Air Agency Method 5 (See Section IX)</p>

Reqmt. No.	Enforceable Requirement	Adoption or Effective Date	Requirement Paraphrase (Information Only)	Monitoring, Maintenance & Recordkeeping Method (See Section II)	Emission Standard Period	Reference Test Method
	<p>WAC 173-400-050 (State Only) This requirement will become federally enforceable upon adoption of the 09/15/01 version of WAC 173-400-050 into the SIP</p> <p>Puget Sound Clean Air Agency Reg I: 9.09 (State Only) This requirement will become federally enforceable upon adoption of the 4/9/1998 version of Reg I: 9.09 into the SIP</p>	<p>09/15/2001</p> <p>04/09/1998</p>				
I.A.4	<p>Puget Sound Clean Air Agency Reg I: 9.07</p> <p>WAC 173-400-040(6) first paragraph only. This requirement shall be superseded by the 9/15/01 version of WAC 173-400-040(6) upon its adoption into the SIP</p> <p>WAC 173-400-040(6) (State Only). This requirement will become federally enforceable upon adoption into the SIP and will replace the 8/20/93 version of WAC 173-400-040(6)</p>	<p>04/14/1994</p> <p>08/20/1993</p> <p>09/15/2001</p>	<p>Shall not emit SO₂ in excess of 1,000 ppmv (dry) corrected to 7% O₂ for fuel burning equipment</p>	<p>II(f) Fuel Burning Equipment</p>	<p>Average of 3 1-hr runs</p>	<p>EPA Method 6C (See 40 CFR Part 60, Appendix A, July 1, 2001)</p>
I.A.5	<p>Puget Sound Clean Air Agency Reg I: 9.11 This requirement will be superseded upon adoption of the 3/11/99 version of Reg I: 9.11 into the SIP</p> <p>WAC 173-400-040(5) This requirement will be superseded upon adoption of the 9/15/01 version of WAC 173-400-040(5) into the SIP</p>	<p>06/09/1983</p> <p>08/20/1993</p>	<p>Shall not emit air contaminants in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property</p>	<p>II.A.1(b) Complaint response</p> <p>II.A.1(c) Facility-wide inspections</p>	<p>N/A</p>	<p>N/A</p>

Reqmt. No.	Enforceable Requirement	Adoption or Effective Date	Requirement Paraphrase (Information Only)	Monitoring, Maintenance & Recordkeeping Method (See Section II)	Emission Standard Period	Reference Test Method
	<p>Puget Sound Clean Air Agency Reg I: 9.11 <i>(State Only)</i> This requirement will become federally enforceable upon adoption into the SIP and will replace the 6/9/1983 version of Reg I: 911(a).</p> <p>WAC 173-400-040(5) <i>(State Only)</i>. This requirement will become federally enforceable upon adoption into the SIP and will replace the 8/20/93 version of WAC 173-400-040(5)</p>	<p>03/11/1999</p> <p>09/15/2001</p>				

Reqmt. No.	Enforceable Requirement	Adoption or Effective Date	Requirement Paraphrase (Information Only)	Monitoring, Maintenance & Recordkeeping Method (See Section II)	Emission Standard Period	Reference Test Method
I.A.6	Puget Sound Clean Air Agency Reg I: 9.15 <i>This requirement will be superseded upon adoption of the 3/11/1999 version of Reg I: 9.15 into the SIP</i>	08/10/1989	(a) Shall not emit visible dust unless BACT is employed to control the emissions (b) Unlawful to operate a vehicle on paved public roads unless: (1) The vehicle is constructed or loaded to prevent load from escaping or spilling; (2) The vehicle is covered to prevent load from escaping or spilling if loaded with gravel or dirt; and (3) Mud, dirt, and other debris is cleaned from the chassis and tires of the vehicle (c) Unlawful to allow emission of fugitive dust from any refuse or fuel burning, manufacturing, or emissions control equipment (d) Unlawful to allow emission of fugitive dust in such quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or which unreasonably interferes with enjoyment of life and property	II.A.1(b) Complaint response II.A.1(c) Facility-wide inspections II.A.1(e) Fugitive Dust, Track-Out, and Odor Bearing Contaminants	N/A	N/A

Reqmt. No.	Enforceable Requirement	Adoption or Effective Date	Requirement Paraphrase (Information Only)	Monitoring, Maintenance & Recordkeeping Method (See Section II)	Emission Standard Period	Reference Test Method
I.A.7	Puget Sound Clean Air Agency Reg I: 9.15 <i>(State only)</i> <i>This requirement shall become federally enforceable upon adoption into the SIP and will replace the 8/10/1989 version of Reg I: 9.15</i>	03/11/1999	It shall be unlawful for any person to cause or allow visible emissions of fugitive dust unless reasonable precautions are employed to minimize the emissions. Reasonable precautions include, but are not limited to, the following: (1) The use of control equipment, enclosures, and wet (or chemical) suppression techniques, as practical, and curtailment during high winds; (2) Surfacing roadways and parking areas with asphalt, concrete, or gravel; (3) Treating temporary, low-traffic areas (e.g., construction sites) with water or chemical stabilizers, reducing vehicle speeds, constructing pavement or rip rap exit aprons, and cleaning vehicle undercarriages before they exit to prevent the track-out of mud or dirt onto paved public roadways; or (4) Covering or wetting truck loads or allowing adequate freeboard to prevent the escape of dust-bearing materials	II.A.1(b) Complaint response II.A.1(c) Facility-wide inspections II.A.1(e) Fugitive Dust, Track-Out, and Odor Bearing Contaminants	N/A	N/A

Reqmt. No.	Enforceable Requirement	Adoption or Effective Date	Requirement Paraphrase (Information Only)	Monitoring, Maintenance & Recordkeeping Method (See Section II)	Emission Standard Period	Reference Test Method
I.A.8	<p>WAC 173-400-040(3) & (8) <i>These requirements will be superseded upon adoption of the 09/15/2001 versions of WAC 173-400-040(3) & (8) into the SIP</i></p> <p>WAC 173-400-040(3) & (8) <i>(State Only). These requirements will become federally enforceable upon adoption into the SIP and will replace the 8/20/93 versions of WAC 173-400-040(3) & (8)</i></p>	<p>08/20/1993</p> <p>09/15/2001</p>	<p>Shall not emit visible dust unless reasonable precautions are employed to minimize the emissions</p>	<p>II.A.1(b) Complaint response</p> <p>II.A.1(c) Facility-wide inspections</p> <p>II.A.1(e) Fugitive Dust, Track-Out, and Odor Bearing Contaminants</p>	N/A	N/A
I.A.9	<p>Puget Sound Clean Air Agency Reg I: 9.20(b)</p>	06/09/1988	<p>Must maintain equipment not subject to Puget Sound Clean Air Agency Regulation I, Section 9.20(a) in good working order</p>	<p>II.A Minimum Monitoring, Maintenance & Recordkeeping Requirements</p> <p>II.B Operation and Maintenance (O&M) Plan Requirements</p>	N/A	N/A

Reqmt. No.	Enforceable Requirement	Adoption or Effective Date	Requirement Paraphrase (Information Only)	Monitoring, Maintenance & Recordkeeping Method (See Section II)	Emission Standard Period	Reference Test Method
I.A.10	<p>Puget Sound Clean Air Agency Reg I: 7.09(b) <i>This requirement will be superseded upon adoption of the 9/10/1998 version of Reg I: 7.09(b) into the SIP</i></p> <p>Puget Sound Clean Air Agency Reg I: 7.09(b) <i>(State Only) This requirement shall become federally enforceable upon adoption into the SIP and will replace the 9/12/96 version of Reg I:7.09(b)</i></p>	<p>09/12/1996</p> <p>09/10/1998</p>	Must develop and implement an O&M Plan to assure continuous compliance with Puget Sound Clean Air Agency Regulations I, II and III	<p>II.A Minimum Monitoring, Maintenance & Recordkeeping Requirements</p> <p>II.B Operation and Maintenance (O&M) Plan Requirements</p>	N/A	N/A
I.A.11	WAC 173-400-040(4) <i>(State Only)</i>	09/15/2001	Must use recognized good practice and procedures to reduce odors which may unreasonably interfere with any other property owners' use and enjoyment of their property	<p>II.A.1(b) Complaint response</p> <p>II.A.1(e) Fugitive Dust, Track-Out, and Odor Bearing Contaminants</p>	N/A	N/A
I.A.12	WAC 173-400-040(2) <i>(State Only)</i>	09/15/2001	Shall not deposit particulate matter beyond property boundary in sufficient quantity to interfere unreasonably with the use and enjoyment of the property	<p>II.A.1(b) Complaint response</p> <p>II.A.1(c) Facility-wide inspections</p>	N/A	N/A

Reqmt. No.	Enforceable Requirement	Adoption or Effective Date	Requirement Paraphrase (Information Only)	Monitoring, Maintenance & Recordkeeping Method (See Section II)	Emission Standard Period	Reference Test Method
I.A.13	Puget Sound Clean Air Agency Reg I: 9.10(a) <i>(State Only)</i>	06/09/1988	Shall not emit HCl in excess of 100 ppm (dry) corrected to 7% O ₂ for combustion sources	No monitoring required	At least three 1-hr runs	EPA Method 26A (See 40 CFR Part 60, Appendix A; July 1, 2000)
I.A.14	RCW 70.94.040 <i>(State Only)</i>	1996	Shall not cause air pollution in violation of 70.94 RCW or any ordinance, resolution, rule or regulation adopted there under	No monitoring required	N/A	N/A

N/A = Not Applicable

B. EMISSION UNIT SPECIFIC APPLICABLE REQUIREMENTS

The requirements in Section I. B. only apply to the specific emission units cited. The requirements in Section I. A. also apply to the emission units cited in Section I.B except for requirements cited in Section I.A that are repeated in Section I.B. For these requirements, the monitoring method in Section I.B applies to the emission unit instead of the monitoring method cited in Section I.A.

1. Emission Unit #1 (EU-1): DIRECT FIRED BAKING PROCESS

This emission unit consists of a direct fired baking oven that is used to bake different types of bread.

(1) Natural Gas Fired Baker Perkins 53 Tray Oven (Heat Input Rating = 1,122,000 Btu/Hour),

Data in italics are for information only and are not enforceable conditions of this permit.

Table 2 Emission Unit #1 (EU-1): Direct Fired Baking Process

Reqmt. No.	Federally Enforceable Requirement	Adoption or Effective Date	Requirement Paraphrase (Information Only)	Monitoring & Recordkeeping Method (See Section II)	Emission Standard Reference Test Method
EU 1.1	<p>Puget Sound Clean Air Agency Reg I: 9.09(a) <i>This requirement will be superseded upon adoption of the 4/9/98 version of Reg I: 9.09 into the SIP</i></p> <p>Puget Sound Clean Air Agency Reg I: 9.09 (State Only) <i>This requirement will become federally enforceable upon adoption into the SIP and will replace the 2/10/94 version of Agency Reg I: 9.09(a)</i></p> <p>WAC 173-400-050 This requirement will be superseded upon adoption of the 09/15/01 version of WAC 173-400-050 into the SIP</p> <p>WAC 173-400-050 (State Only) This requirement will become federally enforceable upon adoption of the 09/15/01 version of WAC 173-400-050 into the SIP</p>	<p>02/10/94</p> <p>04/09/98</p> <p>8/20/1993</p> <p>9/15/2001</p>	<p>Shall not emit particulate matter in excess of 0.05 gr/dscf</p>	<p>II.A.1(a) Baking Process and Steam Generating Units</p>	<p>Puget Sound Clean Air Agency Method 5 (See Section IX)</p>

Reqmt. No.	Federally Enforceable Requirement	Adoption or Effective Date	Requirement Paraphrase (Information Only)	Monitoring & Recordkeeping Method (See Section II)	Emission Standard Reference Test Method
EU 1.2	<p>Puget Sound Clean Air Agency Reg I: 9.03 <i>This requirement will be superseded upon adoption of the 3/11/99 version of Reg I: 9.03 into the SIP</i></p> <p><i>Puget Sound Clean Air Agency Reg. I: 9.03 (State Only). This requirement will become federally enforceable upon adoption into the SIP and will replace the 9/08/94 version of Reg I: 9.03</i></p> <p>WAC 173-400-040(1) <i>This requirement will be superseded upon adoption of the 09/15/01 version of WAC 173-400-040(1) into the SIP</i></p> <p>WAC 173-400-040(1) (State Only). <i>This requirement will become federally enforceable upon adoption into the SIP and will replace the 8/20/1993 version of WAC 173-400-040(1)</i></p>	<p>09/08/94</p> <p>03/11/99</p> <p>08/20/93</p> <p>09/15/01</p>	<p>Shall not emit air contaminants in excess of 20% opacity for more than 3 minutes per hour</p>	<p>II.A.1(a) Baking Process and Steam Generating Units</p>	<p>Ecology Method 9A (See Section IX)</p>
EU 1.3	<p>Puget Sound Clean Air Agency Reg I: 7.09(b)</p>	<p>09/10/98</p>	<p>Develop and implement an O&M plan to assure continuous compliance with Puget Sound Clean Air Agency Regulations I, II, and III.</p>	<p>II.B.1 General Facility-wide O&M Plan</p>	
EU 1.4	<p>Puget Sound Clean Air Agency Reg I: 9.20</p> <p>RCW 70.94.152(7) State only</p>	<p>06/09/88</p> <p>1996</p>	<p>Maintain equipment in good working order.</p>	<p>II.A.1(a) Baking Process and Steam Generating Units</p> <p>II.B.1 General Facility-wide O&M Plan</p>	

General requirements of Section I.A. also apply.

2. Emission Unit #2 (EU-2): STEAM GENERATING PROCESS and INDIRECT FIRED OVENS

This emission unit consists of boilers that are used for generating steam and indirect fired baking ovens at Division of United States Bakery, Franz Northern Division – 6th Avenue (Franz 6th Avenue):

- 1) *Natural Gas Fired Gabriel Boiler (Heat Input Rating = 7,000,000 Btu/Hour)*
- 2) *Natural Gas Fired Gabriel Boiler (Heat Input Rating = 7,000,000 Btu/Hour)*
- 3) *Natural Gas Fired Read 32 Tray Oven (Heat Input Rating = 2,250,000 Btu/Hour),*
- 4) *Natural Gas Fired Peterson 32 Tray Oven (Heat Input Rating = 2,250,000 Btu/Hour)*

Data in italics are for information only and are not enforceable conditions of this permit.

Table 3 Emission Unit #2 (EU-2): Steam Generating Process and Indirect Fired Ovens

Reqmt. No.	Federally Enforceable Requirement	Adoption or Effective Date	Requirement Paraphrase (Information Only)	Monitoring & Recordkeeping Method (See Section II)	Emission Standard Reference Test Method
EU 2.1	<p>Puget Sound Clean Air Agency Reg I: 9.03 <i>This requirement will be superseded upon adoption of the 3/11/99 version of Reg I: 9.03 into the SIP</i></p> <p><i>Puget Sound Clean Air Agency Reg. I: 9.03 (State Only). This requirement will become federally enforceable upon adoption into the SIP and will replace the 9/08/94 version of Reg I: 9.03</i></p> <p>WAC 173-400-040(1) <i>This requirement will be superseded upon adoption of the 09/15/01 version of WAC 173-400-040(1) into the SIP</i></p> <p>WAC 173-400-040(1) (State Only). <i>This requirement will become federally enforceable upon adoption into the SIP and will replace the 8/20/1993 version of WAC 173-400-040(1)</i></p>	<p>09/08/94</p> <p>03/11/99</p> <p>08/20/93</p> <p>09/15/01</p>	<p>Shall not emit air contaminants in excess of 20% opacity for more than 3 minutes per hour</p>	<p>II.A.1(a) Baking Process and Steam Generating Units</p>	<p>Ecology Method 9A (See Section IX)</p>

Reqmt. No.	Federally Enforceable Requirement	Adoption or Effective Date	Requirement Paraphrase (Information Only)	Monitoring & Recordkeeping Method (See Section II)	Emission Standard Reference Test Method
EU 2.2	<p>Puget Sound Clean Air Agency Reg I: 9.09(a) <i>This requirement will be superseded upon adoption of the 4/9/98 version of Reg I: 9.09 into the SIP</i></p> <p>Puget Sound Clean Air Agency Reg I: 9.09 (State Only) <i>This requirement will become federally enforceable upon adoption into the SIP and will replace the 2/10/94 version of Agency Reg I: 9.09(a)</i></p> <p>WAC 173-400-050 <i>This requirement will be superseded upon adoption of the 09/15/01 version of WAC 173-400-050 into the SIP</i></p> <p>WAC 173-400-050 (State Only) <i>This requirement will become federally enforceable upon adoption of the 09/15/01 version of WAC 173-400-050 into the SIP</i></p>	<p>02/10/94</p> <p>04/09/98</p> <p>8/20/1993</p> <p>9/15/2001</p>	<p>Shall not emit particulate matter in excess of 0.05 gr/dscf corrected to 7% O₂</p>	<p>II.A.1(a) Baking Process and Steam Generating Units</p>	<p>Puget Sound Clean Air Agency Method 5 (See Section IX)</p>
EU 2.3	<p>Puget Sound Clean Air Agency Reg I: 7.09(b)</p>	<p>09/10/98</p>	<p>Develop and implement an O&M plan to assure continuous compliance with Puget Sound Clean Air Agency Regulations I, II, and III.</p>	<p>II.B.1 General Facility-wide O&M Plan</p>	
EU 2.4	<p>Puget Sound Clean Air Agency Reg I: 9.20</p> <p>RCW 70.94.152(7) (State only)</p>	<p>06/09/88</p> <p>1996</p>	<p>Maintain equipment in good working order.</p>	<p>II.A.1(a) Baking Process and Steam Generating Units</p> <p>II.B.1 General Facility-wide O&M Plan</p>	

The general requirements of Section I.A. also apply.

3. Emission Unit #3 (EU-3): Soil Vapor Recovery

This emission unit consists of soil vapor recovery equipment.

Table 4 Emission Unit #3 (EU-3): Soil Vapor Recovery

Reqmt. No.	Federally Enforceable Requirement	Adoption or Effective Date	Requirement Paraphrase (Information Only)	Monitoring & Recordkeeping Method (See Description in Section II)
EU 3.1	Order of Approval No. 8347, Condition 3	01/04/01	All emissions from the remediation system shall be vented through the two-stage carbon adsorbers except as specified in Condition No. 5 (EU 3.3).	II.A.1(b) Soil Vapor Recovery
EU 3.2	Order of Approval No. 8347, Condition 4	01/04/01	The concentration of total petroleum hydrocarbons in the exhaust of the first carbon adsorber in the series shall not exceed 50 ppm.	II.A.1(b) Soil Vapor Recovery
EU 3.3	Order of Approval No. 8347, Condition 5	01/04/01	If monitoring shows that the concentration of total petroleum hydrocarbons at the inlet to the first carbon adsorber is below 50 ppm for a period greater than 30 consecutive days, the carbon adsorbers may be removed provided that the uncontrolled emissions of total petroleum hydrocarbons are monitored monthly to assure that the concentration remains below 50 ppm, and that Puget Sound Clean Air Agency is notified.	II.A.1(b) Soil Vapor Recovery
EU 3.4	Order of Approval No. 8347, Condition 6	01/04/01	Monitoring and inspection records shall be maintained on-site to demonstrate compliance with the conditions of this Order and to demonstrate the system and carbon adsorbers are maintained in good working order. These records shall be made available to Puget Sound Clean Air Agency personnel upon request.	V.O Recordkeeping II.A.1(b) Soil Vapor Recovery
EU 3.5	Order of Approval No. 8347, Condition 7	01/04/01	Operation of the soil vapor extraction system shall not be allowed for a period longer than three years.	II.A.1(b) Soil Vapor Recovery

Reqmt. No.	Federally Enforceable Requirement	Adoption or Effective Date	Requirement Paraphrase (Information Only)	Monitoring & Recordkeeping Method (See Description in Section II)
EU 3.6	Puget Sound Clean Air Agency Reg I: 7.09(b)	09/10/98	Develop and implement an O&M plan to assure continuous compliance with Puget Sound Clean Air Agency Regulations I, II, and III.	II.B.1 General Facility-wide O&M Plan
EU 3.7	Puget Sound Clean Air Agency Reg I: 9.20 RCW 70.94.152(7) State only	06/09/88 1996	Maintain equipment in good working order.	II.A.1(b) Soil Vapor Recovery

General requirements of Section I. A. also apply.

4. Emission Unit #4 (EU-4): Flour Storage and Transfer

This emission unit consists of the equipment associated with the flour storage and transfer system.

(1) *Three (3) flour storage silos with three (3) fabric breather bags on each flour storage silo.*

Data in italics are for information only and are not enforceable conditions of this permit.

Table 5 Emission Unit # 4 (EU-4): Flour Storage and Transfer

Reqmt. No.	Federally Enforceable Requirement	Adoption or Effective Date	Requirement Paraphrase (Information Only)	Monitoring, Maintenance & Recordkeeping Method (See Section II)	Emission Standard Period	Emission Standard Reference Test Method
EU 4. 1.	<p>Puget Sound Clean Air Agency Reg I: 9.09(a) <i>This requirement will be superseded upon adoption of the 4/9/98 version of Reg I: 9.09 into the SIP</i></p> <p>WAC 173-400-060 (State Only). This requirement will become federally enforceable upon adoption into the SIP and will replace the 8/20/1993 version of WAC 173-400-060</p> <p>WAC 173-400-060 <i>This requirement will be superseded upon adoption of the 09/15/01 version of WAC 173-400-060 into the SIP</i></p> <p>Puget Sound Clean Air Agency Reg I: 9.09 (State Only) <i>This requirement will become federally enforceable upon adoption of the 4/9/1998 version of Reg I: 9.09 into the SIP</i></p>	<p>02/10/94</p> <p>09/15/01</p> <p>08/20/93</p> <p>04/09/98</p>	<p>Shall not emit particulate matter in excess of 0.05 gr/dscf from equipment used in a manufacturing process and general process units, uncorrected for excess air</p>	<p>II.A.1(c) Fabric Filter Inspections</p>	<p>Avg of three 1-hr tests</p>	<p>Puget Sound Clean Air Agency Method 5 (See Section IX)</p>

Reqmt. No.	Federally Enforceable Requirement	Adoption or Effective Date	Requirement Paraphrase (Information Only)	Monitoring, Maintenance & Recordkeeping Method (See Section II)	Emission Standard Period	Emission Standard Reference Test Method
EU 4. 2.	Puget Sound Clean Air Agency Reg I: 7.09(b)	09/10/98	Develop and implement an O&M plan to assure continuous compliance with Puget Sound Clean Air Agency Regulations I, II, and III.	II.B.1 General Facility-wide O&M Plan		
EU 4. 3.	Puget Sound Clean Air Agency Reg I: 9.20 RCW 70.94.152(7) State only	06/09/88 1996	Maintain equipment in good working order.	II.A.1(c) Fabric Filter Inspections		

General requirements of Section I.A. also apply.

II. Monitoring, Maintenance and Recordkeeping Methods Description

A. Minimum Monitoring, Maintenance & Recordkeeping Requirements

Franz 6th Avenue must follow the applicable requirements listed below when referenced by an applicable requirement in Section I.A or I.B of this permit.

1. Facility-wide Monitoring, Maintenance & Recordkeeping Requirements

(a) Opacity monitoring

Franz 6th Avenue shall conduct monthly inspections of the facility for visible emissions except as provided under V.P Data Recovery of this permit. Inspections are to be performed while the equipment is in operation during daylight hours. If, during the scheduled monthly inspection or at any other time, visible emissions other than uncombined water are observed, Franz 6th Avenue shall, as soon as possible, but no later than within 24 hours of the initial observation,

- Take corrective action, which may include shutting down the unit or activity until it can be repaired, until there are no visible emissions (or until the unit or activity is demonstrated to be in compliance with all applicable opacity limitations in the permit using the reference test method); or,
- Alternatively, determine opacity using the reference test method.

Failure to take corrective action as described above shall be reported under Section V.M Compliance certifications or V.Q Reporting of this permit.

[WAC 173-401-615(1)(b), 10/17/02]

(b) Complaint response

Franz 6th Avenue shall record and investigate air pollution complaints as soon as possible, but no later than three days after receipt. Franz 6th Avenue shall identify the cause(s) of complaints based upon the following types of air pollutant emission circumstances:

- 1) Any emissions that are, or likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interfere with enjoyment of life and property; or
- 2) Any fugitive dust emissions, or
- 3) Any track-out onto paved roads open to the public, or
- 4) Any emissions of odor-bearing air contaminants, or
- 5) Complaints regarding other applicable requirements.

Franz 6th Avenue shall investigate the complaint and determine if there was noncompliance with an applicable requirement of this permit. If it is determined that there is such noncompliance, Franz 6th Avenue shall as soon as practicable but no later than within 24 hours of determination of noncompliance, either correct the problem, shut down the noncompliant operation until it is

repaired or corrected, or report according to Section V.Q.3 Report of Problems not Corrected Within 24 hours. Failure to investigate the complaint as described above is a deviation of this permit. If noncompliance is determined, failure to either correct the noncompliance, shut down the unit or activity within 24 hours, or report according to Section V.Q.3, is a deviation of this permit and must be reported under Section V.M Compliance certifications or V.Q Reporting of this permit.

[WAC 173-401-615(b)(1), 10/17/02]

(c) Facility-wide inspections

Franz 6th Avenue shall conduct a facility-wide inspection at least once per calendar quarter. These inspections shall include checking for prohibited activities under Section III of the permit and activities that require additional approval under Section IV of the permit. The inspections shall also examine the general state of compliance with the generally applicable requirements and the general effectiveness of the Operation & Maintenance (O&M) Plan.

Franz 6th Avenue shall, as soon as practicable but no later than 24 hours after identification, correct any potential compliance problems, with respect to applicable requirements for which this section II.A.1(c) is an applicable monitoring method for significant emission units or activities identified by these quarterly inspections, or any other time, shut down the unit or activity until the problem can be corrected, or report according to Section V.Q.3. If Franz 6th Avenue observes potential compliance problems for which there are no monitoring requirements under an applicable requirement and corrects that problem within 24 hours, Franz 6th Avenue does not need to report the deviation under Section V.M Compliance certifications or V.Q Reporting and does not need to record such action under Section V.O.d of this permit. Franz 6th Avenue shall also promptly repair defective insignificant emission units.

[WAC 173-401-615(1)(b), 10/17/02]

(d) Maintenance and repair of insignificant emission units

Franz 6th Avenue shall use good industrial practices to maintain insignificant emission units and equipment¹ not listed in this permit. For such equipment Franz 6th Avenue shall also promptly repair defective equipment. Good industrial practices may include, but are not limited to, following the manufacturer's operations manual or an equipment operations schedule, minimizing emissions until the repairs can be completed, and taking measures to prevent recurrence of the problem.

[WAC 173-401-530(2)(a), 10/17/02] [Puget Sound Clean Air Agency Regulation I, Section 9.20 (b), 6/9/1988]

(e) Fugitive Dust, Track-Out, and Odor Bearing Contaminants

Franz 6th Avenue shall conduct inspections of the facility for odor bearing contaminants and emissions of any air contaminant in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interfere with enjoyment of life and property at least quarterly except as provided under V.P Data Recovery of this permit.

Franz 6th Avenue shall also conduct inspections to monitor for fugitive dust and track-out from the facility at least once per calendar quarter during the unloading of bulk material. If any fugitive dust or track-out is observed, Franz 6th Avenue shall clean the area within 24 hours and employ preventive measures, or alternatively, shut down, within 24 hours the unit or activity at which the deviation occurs until the deviation can be corrected. Failure to take corrective action as described above shall be reported under Section V.M Compliance certifications or V.Q Reporting of this permit.

[WAC 173-401-615(1)(b), 10/17/02]

(f) Fuel Burning Equipment

Franz 6th Avenue shall combust only pipeline quality natural gas at all combustion units.

[WAC 173-401-615(1)(b), 10/17/02]

¹ Puget Sound Clean Air Agency Regulation I, Section 1.07(s) states, "EQUIPMENT means any stationary or portable device or any part thereof that emits or may emit any air contaminant into the atmosphere."

2. Specific Monitoring

(a) *Baking Process and Steam Generating Units*

Franz 6th Avenue shall conduct monthly inspections of the boilers and ovens for visible emissions except as provided under V.P Data Recovery of this permit. Inspections are to be performed while the equipment is in operation during daylight hours. If, during the scheduled monthly inspection or at any other time, visible emissions other than uncombined water are observed, Franz 6th Avenue shall, as soon as possible, but no later than within 24 hours of the initial observation,

- Take corrective action, which may include shutting down the boiler or oven until it can be repaired, until there are no visible emissions (or until the unit or activity is demonstrated to be in compliance with all applicable opacity limitations in the permit using the reference test method); or,
- Alternatively, determine opacity using the reference test method.

Failure to take corrective action as described above shall be reported under Section V.M Compliance certifications or V.Q Reporting of this permit.
[WAC 173-401-615(1)(b), 10/17/02]

(b) *Soil Vapor Recovery*

Franz 6th Avenue shall perform monthly monitoring of the concentration of total petroleum hydrocarbons at the inlet and outlet of the first carbon adsorber in the series.
[Puget Sound Clean Air Agency Order of Approval No. 8347, Condition No. 3, 01/04/01]

If the most recent monitoring shows that the concentration of total petroleum hydrocarbons at the inlet to the first carbon adsorber is below 50 ppm for a period greater than 30 consecutive days, the carbon adsorbers may be removed provided that the uncontrolled emissions of total petroleum hydrocarbons are monitored monthly to assure that the concentration remains below 50 ppm. The Puget Sound Clean Air Agency shall be notified, in writing, 7 days prior to removing the carbon adsorbers and within 7 days of measuring an uncontrolled total petroleum hydrocarbon concentration at or above 50 ppm (after carbon adsorbers have been removed).

[Puget Sound Clean Air Agency Order of Approval No. 8347, Condition No. 5, 01/04/01]

Franz 6th Avenue shall determine whether the facility needs to continue to use the soil vapor recovery unit by January 4, 2004. Depending on the result of this decision, by January 4, 2004 Franz 6th Avenue shall either:

- 1) Submit a complete Notice of Construction application for continued operation of the soil vapor recovery unit to the Puget Sound Clean Air Agency or;
- 2) Permanently shut down the soil vapor recovery unit and notify the Puget Sound Clean Air Agency 7 days prior to removing the carbon adsorbers that the soil vapor recovery unit will be permanently shut down.

[Puget Sound Clean Air Agency Order of Approval No. 8347, Conditions No. 5& 7, 01/04/01]

(c) Fabric Filter Inspections

Except as provided under V.P Data Recovery of this permit, Franz 6th Avenue shall conduct monthly inspections of the fabric filters and fabric breather bags for the following:

- Broken or plugged bags, and
- Ductwork, seal and hopper integrity and condition.

If broken or plugged bags are observed, or ductwork, seals or hopper integrity is found to require repair, Franz 6th Avenue shall, as soon as possible, but no later than within 24 hours of the initial observation take corrective action or shut down the unit or activity until it can be repaired.

Franz 6th Avenue shall also inspect for visible emissions on a monthly basis, except as provided under V.P Data Recovery of this permit. If, during the scheduled monthly inspection visible emissions other than uncombined water are observed

- Take corrective action, which may include shutting down the unit or activity until it can be repaired, until there are no visible emissions (or until the unit or activity is demonstrated to be in compliance with all applicable opacity limitations in the permit using the reference test method); or,
- Alternatively, determine opacity using the reference test method.

Failure to take corrective action as described above shall be reported under Section V.M Compliance certifications or V.Q Reporting of this permit.
[WAC 173-401-615(1)(b), 10/17/02]

B. Operation and Maintenance (O&M) Plan Requirements

1. General Facility-wide O&M Plan

Franz 6th Avenue O&M Plan shall include procedures specifying how Franz 6th Avenue will assure continuous compliance with Puget Sound Clean Air Agency Regulations I, II and III, as applicable, and how Franz 6th Avenue will carry out the Minimum Monitoring, Maintenance, and Recordkeeping provisions specified in Section II.A of this permit. For insignificant emission units, refer to the requirements stated in II.A.1(d) of this permit. The plan shall reflect good industrial practice. The specific provisions of the O&M Plan, other than those required by specific requirements in this permit and monitoring activities required under Section II.A, shall not be deemed part of this permit.

[Puget Sound Clean Air Agency Regulation I Section 7.09(b), 9/10/98]

2. Insignificant Emission Units

For insignificant emission units, refer to the requirements stated in Section II.A.1.(d), Maintenance and repair of insignificant emission units of this permit.

III. PROHIBITED ACTIVITIES

Franz 6th Avenue is prohibited from conducting, causing, or allowing the following activities:

A. Adjustment for Atmospheric Conditions

Varying the rate of emissions of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant is prohibited, except as directed according to air pollution episode regulations. [WAC 173-400-205, 3/22/91]

B. Open Burning

Franz 6th Avenue shall not conduct open burning during any stage of an air pollution episode or period of impaired air quality and shall not conduct any open burning other than the following types:

1. Fires consisting solely of charcoal, propane, natural gas, or wood used solely for the preparation of food that comply with WAC 173-425-020(1) and WAC 173-425-030(21) and
2. Fires for instruction in the methods of fighting fires, provided that the person conducting the training fire complies with Puget Sound Clean Air Agency Regulation I, Section 8.07.

[Puget Sound Clean Air Agency Regulation I, Sections 8.04(a), 11/09/2000 and 8.07, 9/09/1999] [WAC 173-425-020(1), 3/13/2000; WAC 173-425-030(21), 3/13/2000; RCW 70.94.743, 1998 c68 p1 and RCW 70.94.775(2), 1995 c362 p2 State/Puget Sound Clean Air Agency only]

C. Refuse Burning

Franz 6th Avenue shall not cause or allow the burning of combustible refuse except in a multiple chamber incinerator provided with control equipment. Franz 6th Avenue shall not operate refuse burning equipment any time other than daylight hours. [Puget Sound Clean Air Agency Regulation I, Section 9.05, 12/9/93]

D. Concealment

Franz 6th Avenue shall not cause or allow the installation or use of any device or use of any means which, without resulting in a reduction in the total amount of air contaminant emitted, conceals an emission of an air contaminant which would otherwise violate Puget Sound Clean Air Agency Regulation I, Article 9 or Chapter 173-400 WAC. [Puget Sound Clean Air Agency Regulation I, Section 9.13(a), 6/9/88 and WAC 173-400-040(7), 8/20/93] [WAC 173-400-040(7), 9/15/01 state only]

E. Masking

Franz 6th Avenue shall not cause or allow the installation or use of any device or use of any means designed to mask the emission of an air contaminant that causes detriment to health, safety or welfare of any person or conceals or masks an emission of an air contaminant that would otherwise violate Regulation I, Article 9 or Chapter 173-400 WAC. [Puget Sound Clean

Air Agency Regulation I, Section 9.13(b), 6/9/88 and WAC 173-400-040(7), 8/20/93] [WAC 173-400-040(7), 9/15/01 state only]

F. Ambient Standards

Franz 6th Avenue shall not cause or allow the emission of air contaminants in sufficient quantity as to exceed any ambient air quality standard in Puget Sound Clean Air Agency Regulation I, Section 11.01. [Puget Sound Clean Air Agency Regulation I, Section 11.01(b), 4/14/94]

G. Tampering

Franz 6th Avenue shall not render any monitoring device or method required under Chapter 70.94 RCW, or any ordinance, resolution, regulation, permit or order in force pursuant thereto [WAC 173-400-105(8), 8/21/98 STATE ONLY]

H. False Statements

Franz 6th Avenue shall not make any false material statement, representation or certification in any form, notice or report required under Chapter 70.94 RCW, or any ordinance, resolution, regulation, permit or order in force pursuant thereto. [WAC 173-400-105(7), 8/21/98 STATE ONLY]

IV. ACTIVITIES REQUIRING ADDITIONAL APPROVAL

Franz 6th Avenue shall obtain the necessary approval from Puget Sound Clean Air Agency before conducting any of the following:

A. New Source Review

Franz 6th Avenue shall not construct, install, establish, or modify an air contaminant source, except those sources that are excluded by Puget Sound Clean Air Agency Regulation I, Section 6.03(b), unless a "Notice of Construction and Application for Approval" has been filed with and approved by the Puget Sound Clean Air Agency. For purposes of complying with the recordkeeping requirement in Puget Sound Clean Air Agency Regulation I, 6.03(c), Franz 6th Avenue shall provide in a timely manner, upon request by the Agency, any information reasonably necessary to document the exemption.

[Puget Sound Clean Air Agency Regulation I, Section 6.03, 9/12/96; WAC 173-400-110, 9-20-93; 40 CFR 60.7, 2/12/99; 40 CFR 60.14, 12/17/00; 40 CFR 60.15, 12/16/75; 40 CFR 63.5, 3/16/94] [Puget Sound Clean Air Agency Regulation I, Section 6.03, 7/12/01, WAC 173-460-040, 10/23/98; RCW 70.94.152, 1996 c 67p1, 1996 c 29p1 State/Puget Sound Clean Air Agency only]

B. Replacement or Substantial Alteration of Emission Control Technology

Franz 6th Avenue shall file a Notice of Construction and Application for Approval according to WAC 173-400-114 with the Puget Sound Clean Air Agency before replacing or substantially altering any emission control technology installed at the facility. [Puget Sound Clean Air Agency Regulation I, Section 6.03, 9/12/96] [Puget Sound Clean Air Agency Regulation I, Section 6.03, WAC 173-400-114, 9/15/01; RCW 70.94.153, 1991 c 199p303 State/Puget Sound Clean Air Agency only]

C. Asbestos

1. Franz 6th Avenue shall comply with 40 CFR 61.145 and 61.150 when conducting renovation or demolition activities at the facility. [40 CFR 61.145 and 61.150]
2. Franz 6th Avenue shall comply with Puget Sound Clean Air Agency Regulation III, Article 4 when conducting any asbestos project, renovation or demolition activities at the facility.

[Puget Sound Clean Air Agency Regulation III, Article 4, 2/27/03]

D. Spray Coating

1. Applicability

This section applies to spray-coating operations where a coating that protects or beautifies a surface is applied with spray-coating equipment.

2. Exemptions

The following activities are exempt from the provisions of Sections 9.16(c) and (d) of this regulation. Persons claiming any of the following spray-coating exemptions shall have the burden of demonstrating compliance with the claimed exemption.

- (a) Application of architectural or maintenance coatings to stationary structures (e.g., bridges, water towers, buildings, stationary machinery, or similar structures);
- (b) Aerospace coating operations subject to 40 CFR Part 63, Subpart GG. This includes all activities and materials listed in 40 CFR 63.741(f);
- (c) Use of high-volume, low-pressure (HVLP) spray guns when:
 - (i) spray-coating operations do not involve motor vehicles or motor vehicle components;
 - (ii) the gun cup capacity is 8 fluid ounces or less;
 - (iii) the spray gun is used to spray-coat less than 9 square feet per day per facility;
 - (iv) coatings are purchased in containers of 1 quart or less; and
 - (v) spray-coating is allowed by fire department, fire marshal, or other government agency requirements.
- (d) Use of air-brush spray equipment with 0.5 to 2.0 CFM airflow and a maximum cup capacity of 2 fluid ounces;
- (e) Use of hand-held aerosol spray cans with a capacity of 1 quart or less; or
- (f) Indoor application of automotive undercoating materials using organic solvents having a flash point in excess of 100°F.

3. General Requirements for Indoor Spray-Coating Operations

It shall be unlawful for any person subject to the provisions of this section to cause or allow spray-coating inside a structure, or spray-coating of any motor vehicles or motor vehicle components, unless the spray-coating is conducted inside an enclosed spray area. The enclosed spray area shall employ either properly seated paint arresters, or water-wash curtains with a continuous water curtain to control the overspray. All emissions from the spray-coating operation shall be vented to the atmosphere through an unobstructed vertical exhaust vent.

4. General Requirements for Outdoor Spray-Coating Operations

It shall be unlawful for any person subject to the provisions of this section to cause or allow spray-coating outside an enclosed structure unless reasonable precautions are employed to minimize the overspray. Reasonable precautions include, but are not limited to the use of:

- (a) Enclosures and curtailment during high winds; and
- (b) High-volume low-pressure (HVLP), low-volume low-pressure (LVLP), electrostatic, or air-assisted airless spray equipment. Airless spray equipment may be used where low viscosity and high solid coatings preclude the use of higher-transfer efficiency spray equipment.

5. Compliance with Other Regulations

Compliance with this regulation does not exempt any person from compliance with Regulation I, Section 9.11 and all other applicable regulations including those of other agencies.

[Puget Sound Clean Air Agency Regulation I, Section 9.16, 7/12/01 State/Puget Sound Clean Air Agency only. This requirement will become federally enforceable upon adoption into the SIP and will replace the 6/13/91 version of Reg. I: 9.16]

V. STANDARD TERMS AND CONDITIONS

A. Duty to comply

Franz 6th Avenue shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of Chapter 70.94 RCW and, for federally enforceable provisions, a violation of the Federal Clean Air Act (FCAA). Such violations are grounds for enforcement action; for permit termination, revocation and re-issuance, or modification; or for denial of a permit renewal application. [Puget Sound Clean Air Agency Regulation I, Section 7.05, 10/28/93; WAC 173-401-620(2)(a), 11/4/93]

B. Permit actions

This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by Franz 6th Avenue for a permit modification, revocation and re-issuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition. [WAC 173-401-620(2)(c), 11/4/93]

C. Property rights

This permit does not convey any property rights of any sort, or any exclusive privilege. [WAC 173-401-620(2)(d), 11/4/93]

D. Duty to provide information

Franz 6th Avenue shall furnish to Puget Sound Clean Air Agency, within a reasonable time, any information that the Puget Sound Clean Air Agency may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, Franz 6th Avenue shall also furnish to the Puget Sound Clean Air Agency copies of records required to be kept by the permit or, for information claimed to be confidential, Franz 6th Avenue may furnish such records directly to EPA Region 10 along with a claim of confidentiality. The Puget Sound Clean Air Agency shall maintain the confidentiality of such information in accordance with RCW 70.94.205. [WAC 173-401-620(2)(e), 11/4/93]

E. Permit fees

Franz 6th Avenue shall pay fees as a condition of this permit in accordance with Puget Sound Clean Air Agency Regulation I, Article 7. Failure to pay fees in a timely fashion shall subject Franz 6th Avenue to civil and criminal penalties as prescribed in Chapter 70.94 RCW. [WAC 173-401-620(2)(f), 11/4/93; RCW 70.94.162, 1998 c 245p129]

F. Emissions trading

No permit revision shall be required, under any approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in this permit. [WAC 173-401-620(2)(g), 11/4/93]

G. Severability

If any provision of this permit is held to be invalid, all unaffected provisions of the permit shall remain in effect and be enforceable. [WAC 173-401-620(2)(h), 11/4/93; RCW 70.94.905, 1991 c 199p719 State and Puget Sound Clean Air Agency only]

H. Permit appeals

This permit or any condition in it may be appealed only by filing an appeal with the Pollution Control Hearings Board and serving it on Puget Sound Clean Air Agency within thirty days of receipt, pursuant to RCW 43.21B.310 and WAC 173-401-735. The provision for appeal in this section is separate from and additional to any federal rights to petition and review found under §505(b) of the FCAA. [WAC 173-401-620(2)(i), 11/4/93 and WAC 173-401-735, 5/3/97; RCW 70.94.221, 1970 ex.s.c 62p58]

I. Permit continuation

This permit and all terms and conditions contained therein, including any permit shield provided under WAC 173-401-640, shall not expire until the renewal permit has been issued or denied if a timely and a complete application has been submitted. An application shield granted under WAC 173-401-705(2) shall remain in effect until the renewal permit has been issued or denied if a timely and complete permit application has been submitted. [WAC 173-401-620(2)(j), 11/4/93]

J. Federal enforceability

All terms and conditions of this permit are enforceable by the EPA administrator and by citizens under the FCAA, except for those terms and conditions designated in the permit as not federally enforceable (i.e. “state only” or “State/Puget Sound Clean Air Agency only.” [WAC 173-401-625, 11/4/93]

K. Inspection and entry

Upon presentation of credentials and other documents as may be required by law, Franz 6th Avenue shall allow Puget Sound Clean Air Agency or an authorized representative to:

- a) Enter Franz 6th Avenue’s premises or where records must be kept under the conditions of this permit;
- b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- c) Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices or operations regulated or required under the permit; and
- d) As authorized by WAC 173-400-105 and the FCAA, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements. [WAC 173-401-630(2), 11/4/93] [RCW 70.94.200, 1997 c 109 State/Puget Sound Clean Air Agency only]

L. Compliance requirements

Franz 6th Avenue shall continue to comply with all applicable requirements with which the source is currently in compliance. Franz 6th Avenue shall meet on a timely basis any applicable

requirements that become effective during the permit term. [WAC 173-401-630(3), 11/4/93; WAC 173-401-510(2)(h)(iii), 6/17/94]

M. Compliance certifications

Franz 6th Avenue shall continue to comply with all applicable requirements with which the source is currently in compliance. The first such certification shall be submitted on January 31, 2004. Each certification shall include:

- a) The identification of each term or condition of the permit that is the basis of the certification;
- b) The compliance status;
- c) Whether compliance was continuous or intermittent; and
- d) The method(s) used for determining the compliance status of the source, currently and over the reporting period. These methods must be consistent with the permit Monitoring and Recordkeeping Methods.

All annual compliance certifications shall be submitted to EPA Region 10 and to the Puget Sound Clean Air Agency, at the following addresses, by January 31 for the previous calendar year:

Puget Sound Clean Air Agency
Attn.: Operating Permits
110 Union Street, Suite 500
Seattle, Washington 98101
[WAC 173-401-630(5), 11/4/93]

EPA Region 10, Mail Stop OAQ-107
Attn.: Air Operating Permits
1200 Sixth Avenue
Seattle, Washington 98101

N. Compliance Testing

1. Emission Testing

(a) General

For the purpose of determining compliance with an emission standard, the Puget Sound Clean Air Agency or Ecology may conduct testing of an emission unit or require Franz 6th Avenue to have it tested. In the event the Puget Sound Clean Air Agency or Ecology conduct the test, Franz 6th Avenue shall be given an opportunity to observe the sampling and to obtain a sample at the same time. [Puget Sound Clean Air Agency Regulation I, Section 3.05(b), 2/10/1994; WAC 173-400-105(4), 8/20/1993, 9/15/01 State/Puget Sound Clean Air Agency only]

Testing of sources for compliance with emissions standards shall be performed in accordance with the Reference Test Methods identified in Section I of this permit, except where this permit indicates that a specific Reference Test Method is not needed or appropriate. [Puget Sound Clean Air Agency Regulation I, Section 3.07(a), 2/9/1995]

Franz 6th Avenue shall notify Puget Sound Clean Air Agency in writing at least 2 weeks (14 days) prior to any compliance test and provide Puget Sound Clean Air Agency an opportunity to review the test plan and to observe the test. [Puget Sound Clean Air Agency Regulation I, Section 3.07(b), 2/9/1995]

Unless otherwise specified, each performance test for pollutants other than opacity shall consist of three separate runs and compliance shall be determined from the arithmetic average of the

three runs. In the event that a sample is accidentally lost or conditions occur in which one of the runs must be discontinued because of circumstances beyond the operator's control, compliance may, upon Puget Sound Clean Air Agency approval, be determined from the arithmetic average of the two other runs. [40 CFR 60.8(f), 2/12/1999], [WAC 173-401-615(1)(b), 10/17/02], [Puget Sound Clean Air Agency Regulation I, Section 3.05(b), 2/10/1994]

Franz 6th Avenue, if required by Puget Sound Clean Air Agency to perform a compliance test, shall submit a report to Puget Sound Clean Air Agency no later than 60 days after the test. The report shall include:

- a) A description of the source and the sampling location;
- b) The time and date of the test;
- c) A summary of results, reported in units and for averaging periods consistent with the applicable emission standard;
- d) A description of the test methods and quality assurance procedures employed;
- e) The amount of fuel burned or raw material processed by the source during the test;
- f) The operating parameters of the source and control equipment during the test;
- g) Field data and example calculations; and
- h) A statement signed by the senior management official of the testing firm certifying the validity of the source test report.

[WAC 173-400-105(4), 9/15/01 State/Puget Sound Clean Air Agency only; Puget Sound Clean Air Agency Regulation I, Section 3.05(b), 2/10/1994; and Puget Sound Clean Air Agency Regulation I, Section 3.07(c), 2/9/1995]

2. Credible Evidence

For the purpose of submitting compliance certifications or establishing whether or not a person has violated or is in violation of this permit, nothing shall preclude the use, including the exclusive use, of any credible evidence or information relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed. [40 CFR 51.212, 2/24/1997; 40 CFR 52.12, 2/24/1997; 40 CFR 52.33, 2/24/1997; Puget Sound Clean Air Agency Reg I: 3.06; 10/08/1998]

O. Recordkeeping

Franz 6th Avenue shall maintain the following where applicable:

- a) Records of required monitoring information that include the following:
 - i) The date, place as defined in the permit, and time of sampling or measurements;
 - ii) The date(s) analyses were performed;
 - iii) The company or entity that performed the analyses;
 - iv) The analytical techniques or methods used;
 - v) The results of such analyses; and
 - vi) The operating conditions existing at the time of sampling or measurement;

[WAC 173-401-615(2), 10/17/02]

- b) Records describing 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 those changes [WAC 173-401-615(2), 10/17/02]
- c) Records of all monitoring data and support information required by this permit shall be retained by Franz 6th Avenue for a period of five years from the date of the monitoring sample, measurement, report or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit. [WAC 173-401-615(2), 10/17/02]
- d) Franz 6th Avenue shall keep records of all inspections, tests and other actions required by Section II.A.1. of this permit, including who conducted the inspection, tests or other actions; and the date and the results of the inspection, tests or other actions including corrective actions. Franz 6th Avenue shall also maintain records of all inspections, tests, and other actions required by the O&M Plan and Section II.A.2. of this permit. All records required under this item will be available for Puget Sound Clean Air Agency review [Puget Sound Clean Air Agency Regulation I, Section 7.09(b), 9/10/98]
- e) Franz 6th Avenue shall keep records for all complaints received concerning odor, fugitive emissions, or nuisance relating to Section II of this permit. These records must also contain the following information:
 - i) The date and time of the complaint,
 - ii) The name of the person complaining, if known,
 - iii) The nature of the complaint, and
 - iv) The date, time and nature of any corrective action taken.

[WAC 173-401-615(1)(b), 10/17/02]

P. Data Recovery

If the specific monitoring and recordkeeping requirements in Section II of this permit are silent on data recovery provisions, data recovery is assumed to be 100%. However, for the following sections of this permit which require monthly monitoring:

- II.A.1(a) Opacity monitoring
- II.A.1(e) Fugitive Dust, Track-Out, and Odor Bearing Contaminants
- II.A.2(a) Baking Process and Steam Generating Units
- II.A.1(c) Fabric Filter Inspections

Franz 6th Avenue shall collect at least nine of the most recent ten required records.

Failure to recover the required amount of monitoring data may be excused from penalty during periods of monitoring system breakdown, malfunction, repairs, calibration checks and acts of God deemed to be unavoidable. In determining whether a monitoring failure was unavoidable, the following factors shall be considered:

- Whether the event was caused by poor or inadequate design, operation, maintenance, or any other reasonably preventable condition;
- Whether the event was of a recurring pattern indicative of inadequate design, operation, or maintenance; and
- Whether Franz 6th Avenue took immediate and appropriate corrective action in a manner consistent with good air pollution control practice.

The occasional and unintentional loss or omission of required records shall not constitute a reportable permit deviation, provided Franz 6th Avenue, upon discovery of the missing records, is able to reconstruct the required information from other available information or knowledge or the missing record is otherwise allowed by this permit. Upon request, Franz 6th Avenue will disclose data or information used to reconstruct records to the Puget Sound Clean Air Agency.

The monitoring reports required by Section V.Q. shall include an explanation for any instance in which Franz 6th Avenue failed to meet the data recovery requirements of this condition for any monitored process or parameter. The explanation shall include the reason that the data was not collected and any actions that Franz 6th Avenue will take to insure collection of such data in the future.

[WAC 173-401-615(1)(b), 10/17/02]

Q. Reporting

1. General Reports

(a) Semiannual Operating Permit Reports

Any monitoring reports required by this permit to be submitted to the Puget Sound Clean Air Agency shall be submitted at least once every six months (July 31st for the reporting period of January through June and by January 30th for the reporting period of July through December), or more frequently where required by an applicable requirement. All instances of deviations from permit requirements must be clearly identified in such reports. If there were no deviations Franz 6th Avenue must submit a report stating that there were no deviations. [WAC 173-401-615(3)(a), 10/17/02]

(b) Deviation Reports

Franz 6th Avenue shall report in writing to Puget Sound Clean Air Agency Operating Permit Certification all instances of deviations from the permit requirements, including those attributable to upset conditions as defined in this permit, the probable cause of the deviations, and any corrective actions or preventive measures taken. Franz 6th Avenue shall maintain a contemporaneous record of all deviations. Franz 6th Avenue shall report any deviations to the Puget Sound Clean Air Agency that represent a potential threat to human health or safety by FAX (206-343-7522) as soon as possible but no later than 12 hours after such a deviation is discovered. Franz 6th Avenue shall report other deviations in writing to Puget Sound Clean Air Agency Operating Permit Certification on a monthly basis, within 30 days after the end of the month in which the deviation is discovered. Franz 6th Avenue is not required to submit a monthly report for months during which there were no deviations, [WAC 173-401-615(3)(b), 10/17/02]

Franz 6th Avenue shall report to the Puget Sound Clean Air Agency any instances where it failed to promptly repair any defective equipment. [WAC 173-401-615(3)(b), 10/17/02]

(c) Reporting Certification

Any application form, report, or compliance certification that is required to be certified by any applicable requirement or is submitted pursuant to this permit shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under this permit shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. [WAC 173-401-520, 11/4/1993]

The following application forms, reports, and compliance certifications must be certified upon submittal:

- Annual Air Operating Permit Compliance Certification (V.M Compliance certifications) (WAC 173-401-630(5), 11/4/93)
- Semi-annual Air Operating Permit Report (V.Q.1(a) Semiannual Operating Permit Reports) (WAC 173-401-615(3)(a), 10/17/02)
- Administrative Permit Amendment Requests (VI.B Administrative Permit Amendments) (WAC 173-401-720, 11/4/93)
- Minor Permit Modification Application (VI.E Permit Modification) (WAC 173-401-725, 11/4/93)
- Significant Permit Modification Application (VI.E Permit Modification) (WAC 173-401-725, 11/4/93)

For all other application forms, reports, and compliance certifications, the responsible official's certification needs only to be submitted once every six months, covering all required reporting since the date of the last certification, provided that the certification specifically identifies all documents subject to the certification. [WAC 173-401-615(3)(a), 10/17/02]

All reports required under this section shall be submitted the Puget Sound Clean Air Agency, at the following address:

Puget Sound Clean Air Agency
Attn.: Operating Permit Certification
110 Union Street, Suite 500
Seattle, Washington 98101

2. Annual Emission Inventory

Franz 6th Avenue shall report annually to the Puget Sound Clean Air Agency for those air contaminants that are emitted in amounts equal to or exceeding the following (tons per year) during the previous calendar year:

- | | |
|--|----|
| 1. Carbon monoxide (CO) emissions | 25 |
| 2. Facility combined total of all toxic air contaminants (TAC) emissions | 6 |
| 3. Any single toxic air contaminant (TAC) emissions | 2 |
| 4. Nitrogen oxide (NO _x) emissions | 25 |
| 5. Particulate matter (PM ₁₀) emissions | 25 |
| 6. Particulate matter (PM _{2.5}) emissions | 25 |
| 7. Sulfur oxide (SO _x) emissions | 25 |
| 8. Volatile organic compounds (VOC) emissions | 25 |

Annual emissions rates shall be reported to the nearest whole ton per year for only those contaminants that equal or exceed the thresholds above. Franz 6th Avenue shall submit to the Puget Sound Clean Air Agency any additional information required by WAC 173-400-105(1) or Puget Sound Clean Air Agency Regulation III, Section 1.11. [Puget Sound Clean Air Agency Regulation I, Section 7.09(a), 9/10/1998]

3. Report of Problems not Corrected Within 24 hours

If Franz 6th Avenue is reporting a problem in lieu of correcting it or shutting down the associated equipment or activity in accordance with the specific monitoring and recordkeeping provisions identified in this permit, then Franz 6th Avenue shall report to the Puget Sound Clean Air Agency in writing by facsimile (206-343-7522): Operating Permit Certification, the nature of the problem and Franz 6th Avenue's intent to continue operating while seeking to address the problem.

In addition, within 30 days after the end of the month in which the problem was reported under this section (V.Q.3), Franz 6th Avenue shall also submit either:

- (a) A deviation report pursuant to V.Q.1(b) Deviation Reports; or
- (b) A report indicating that after reasonable inquiry Franz 6th Avenue has determined that no deviation occurred and the basis for that determination.

All reports submitted pursuant to this Section V.Q.3 shall be certified in accordance with Section V.Q.1(c) Reporting Certification at least semi-annually.

Nothing in this Section V.Q.3 shall be construed to extend the deadlines for submitting deviation reports under Section V.Q.1(b) Deviation Reports, notifications of emergencies under Section V.R., or reports of unavoidable excess emissions under Section V.S.

4. Reporting Summary

The following table contains a summary of the reporting requirements that are presented in detail in this permit. In the event of a conflict between the reporting requirements listed below and the reporting requirements listed in other sections of this permit, the reporting requirements listed in other sections of the permit shall govern.

Table 6 Reporting Requirements Summary

Name of Report	Required by	Paraphrased Frequency
Notification of Performance Test	Puget Sound Clean Air Agency Reg I: 3.07(b)	At least two weeks before the performance test is scheduled to begin.
Notification of Performance Test Results	Puget Sound Clean Air Agency Reg I: 3.07(c)	No later than 60 days after test, except for visual/opacity tests for which notification is needed no later than 30 days after test
Compliance certification	WAC 173-401-630(5)	Annually – January 31 for the previous calendar year. <i>Note: (This report must be submitted to both EPA and Puget Sound Clean Air Agency)</i>
Semiannual operating permit report	WAC 173-401-615(3)(a)	July 31 for period January 1-June 30 and January 31 for period July 1-December 31
Permit deviations which represent a potential threat to human health or safety	WAC 173-401-615(3)(b)	Within 12 hours of discovery of the deviation
Other permit deviations including failure to repair any defective equipment	WAC 173-401-615(3)(b)	Monthly - 30 days after the end of each calendar month
Emission inventory statement	Reg. I, 7.09(a)	Annually - as specified by the Puget Sound Clean Air Agency.
Notice of emergency	WAC 173-401-645	Within 2 days of exceeding emission limits
Unavoidable excess emissions	WAC 173-400-107	As needed
Administrative permit amendment request	WAC 173-401-720	Can make change immediately on submission

Name of Report	Required by	Paraphrased Frequency
Notice of changes not requiring permit revisions, including 502(b)(10) changes and SIP authorized emission trading	WAC 173-401-722	7 days prior to making a change
Notice of off permit changes	WAC 173-401-724	Contemporaneous with the change
Minor permit modification application	WAC 173-401-725	Can make change immediately after filing application
Significant permit modification application	WAC 173-401-725	As needed
PSD permit applications	WAC 173-400-141	Before construction begins
Notice of Construction and Application for Approval	Puget Sound Clean Air Agency Reg. I, article 6	Before construction begins
Asbestos project notification	Puget Sound Clean Air Agency Reg. III, section 4.03	Up to 10 days prior

R. Emergencies

An emergency, as defined in WAC 173-401-645(l), constitutes an affirmative defense to an action brought for noncompliance with a technology-based emission limitation if the conditions of WAC 173-401-645(3) are met.

The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. An emergency occurred and that Franz 6th Avenue can identify the cause(s) of the emergency;
2. The permitted facility was at the time being properly operated;
3. During the period of the emergency Franz 6th Avenue took all reasonable steps to minimize levels of emissions that exceeded the emission standards or other requirements in the permit; and
4. Franz 6th Avenue submitted notice of the emergency to the Puget Sound Clean Air Agency within two (2) working days of the time when the emissions limitations were exceeded due to the emergency or shorter periods of time specified in an applicable requirement. This notice fulfills the requirement of WAC 173-401-615(3)(b) unless the excess emissions represent a potential threat to human health or safety. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

In any enforcement proceeding, Franz 6th Avenue has the burden of proof to establish the occurrence of an emergency. This provision is in addition to any emergency or upset provision contained in any applicable requirement. [WAC 173-401-645, 11/4/93]

S. Unavoidable Excess Emissions

Excess emissions due to startup or shutdown conditions, scheduled maintenance or upsets that are determined to be unavoidable under the procedures and criteria in WAC 173-400-107 shall be excused and not subject to penalty. For any excess emission that Franz 6th Avenue wants the Puget Sound Clean Air Agency to consider unavoidable and excusable under WAC 173-400-107, Franz 6th Avenue shall submit the information required under WAC 173-400-107. [WAC 173-400-107(2), 9/20/93 State/Puget Sound Clean Air Agency only]

T. Need to halt or reduce activity not a defense

It shall not be a defense for Franz 6th Avenue in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [WAC 173-401-620(2)(b), 11/4/93]

U. Stratospheric ozone and climate protection

Franz 6th Avenue shall comply with the following standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for motor vehicle air conditioners (MVACs) in Subpart B:

- a) Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to 40 CFR 82.156;
- b) Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 CFR 82.158; and
- c) Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR 82.161.

Franz 6th Avenue may switch from any ozone-depleting substance to any alternative approved pursuant to the Significant New Alternatives Program (SNAP), 40 CFR Part 82, Subpart G, without a permit revision but shall not switch to a substitute listed as unacceptable pursuant to such program. [40 CFR 82.174, 1/13/95]

Any certified technician employed by Franz 6th Avenue shall keep a copy of their certification at their place of employment. [40 CFR 82.166(1), 9/8/95]

Franz 6th Avenue shall not willfully release any regulated refrigerant and shall use refrigerant extraction equipment to recover regulated refrigerant when servicing, repairing or disposing of commercial air conditioning, heating, or refrigeration systems. [40 CFR 82.154, 12/27/96] [RCW 70.94.970(2) and (4), 11/12/97 State/Puget Sound Clean Air Agency only]

V. RACT Satisfied

Emission standards and other requirements contained in rules or regulatory orders in effect at the time of this permit issuance shall be considered RACT for the purposes of issuing this permit. [WAC 173-401-605(3), 11/4/93]

W. Risk Management Programs

In accordance with 40 CFR Part 68, if Franz 6th Avenue has or receives more than a threshold quantity of a regulated substance in a process, as determined under 40 CFR 68.115, Franz 6th Avenue shall comply with the requirements of the Chemical Accident Prevention Provisions of 40 CFR Part 68 no later than the following dates:

Three years after the date on which a regulated substance is first listed under 40 CFR 68.130; or
The date on which a regulated substance is first present above a threshold quantity in a process.
[40 CFR 68.10, 1/6/1999]

X. Definitions

Unless otherwise defined in this permit, the terms used in this permit shall have the same meaning ascribed to them in the referenced regulation. [WAC 173-401-200, 10/17/02]

Y. Duty to supplement or correct application

Upon becoming aware that it has failed to submit any relevant facts in a permit application or that it has submitted incorrect information in a permit application, Franz 6th Avenue shall promptly submit such supplementary facts or corrected information to the Puget Sound Clean Air Agency. [WAC 173-401-500(6), 10/17/02]

Z. Insignificant Emission Units and Activities

1. Insignificant emission units and activities at Franz 6th Avenue are subject to all applicable requirements set forth in Sections I.A, III and IV. This permit shall not require testing, monitoring, reporting or recordkeeping for insignificant emission units or activities, except as required by Puget Sound Clean Air Agency Regulation I, Sections 7.09(b) and 9.20. Compliance with Puget Sound Clean Air Agency Regulation I, Sections 7.09(b) and 9.20 shall be deemed to satisfy the requirements of WAC 173-401-615 and 173-401-630(1). [WAC 173-401-530(2)(c), 10/17/02]
2. Where this permit does not require testing, monitoring, recordkeeping and reporting for insignificant emissions units or activities, Franz 6th Avenue may certify continuous compliance if there were no observed, documented, or known instances of noncompliance during the reporting period. Where this permit requires testing, monitoring, recordkeeping and reporting for insignificant emission units or activities, Franz 6th Avenue may certify continuous compliance when the testing, monitoring, and recordkeeping required by the permit revealed no violations during the period, and there were no observed, documented, or known instances of noncompliance during the reporting period. [WAC 173-401-530(2)(d), 10/17/02]
3. An emission unit or activity that qualifies as insignificant solely on the basis of WAC 173-401-530(1)(a) shall not exceed the emission thresholds specified in WAC 173-401-530(4) until this permit is modified pursuant to Section VI.E of this permit and WAC 173-401-725. [WAC 173-401-530(6), 10/17/02]

VI. PERMIT ACTIONS

A. Permit Renewal, Revocation And Expiration

- (1) **Renewal application.** Franz 6th Avenue shall submit a complete permit renewal application to the Puget Sound Clean Air Agency no later than 12 months prior to the expiration of this permit. The Puget Sound Clean Air Agency will send Franz 6th Avenue a renewal application no later than 18 months prior to the expiration of this permit. Failure of the Puget Sound Clean Air Agency to send Franz 6th Avenue a renewal application shall not relieve Franz 6th Avenue from the obligation to file a timely and complete renewal application. [WAC 173-401-710(1), 10/17/02; WAC 173-401-500(2), 10/17/02]
- (2) **Expired permits.** Permit expiration terminates Franz 6th Avenue right to operate unless a timely and complete renewal application has been submitted consistent with WAC 173-401-710(1) and WAC 173-401-500. All terms and conditions of the permit shall remain in effect after this permit expires if a timely and complete permit application has been submitted. [WAC 173-401-710(3), 10/17/02]
- (3) **Revocation of permits.** The Puget Sound Clean Air Agency may revoke a permit only upon the request of Franz 6th Avenue or for cause. The Puget Sound Clean Air Agency shall provide at least thirty days written notice to Franz 6th Avenue prior to revocation of the permit or denial of a permit renewal application. Such notice shall include an explanation of the basis for the proposed action and afford Franz 6th Avenue an opportunity to meet with the Puget Sound Clean Air Agency prior to Puget Sound Clean Air Agency's final decision. A revocation issued under this condition may be issued conditionally with a future effective date and may specify that the revocation will not take effect if Franz 6th Avenue satisfies the specified conditions before the effective date. Nothing in this subsection shall limit Puget Sound Clean Air Agency's authority to issue emergency orders. [WAC 173-401-710(4), 10/17/02]

B. Administrative Permit Amendments

1. An "administrative permit amendment" is a permit revision that:

- a) Corrects typographical errors;
- b) Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at Franz 6th Avenue;
- c) Requires more frequent monitoring or reporting by Franz 6th Avenue;
- d) Allows for a change in ownership or operational control of a source where the Puget Sound Clean Air Agency determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the Puget Sound Clean Air Agency;
- e) Incorporates into the permit the terms, conditions, and provisions from orders approving notice of construction applications processed under an EPA-approved program,

provided that such a program meets procedural requirements substantially equivalent to the requirements of WAC 173-401-700, 173-401-725, and 173-401-800 that would be applicable to the change if it were subject to review as a permit modification, and compliance requirements substantially equivalent to those contained in WAC 173-401-600 through 173-401-650. [WAC 173-401-720(1), 11/4/93]

2. Administrative permit amendment procedures

An **administrative** permit amendment may be made by the Puget Sound Clean Air Agency consistent with the following:

- a) The Puget Sound Clean Air Agency shall take no more than sixty days from receipt of a request for an administrative permit amendment to take final action on such request, and may incorporate such changes without providing notice to the public or affected states provided that it designates any such permit revisions as having been made pursuant to this paragraph.
- b) The Puget Sound Clean Air Agency shall submit a copy of the revised permit to EPA.
- c) Franz 6th Avenue may implement the changes addressed in the request for an administrative amendment immediately upon submittal of the request. [WAC 173-401-720(3), 11/4/93]

3. Permit shield

The Puget Sound Clean Air Agency shall, upon taking final action granting a request for an administrative permit amendment, allow coverage by the permit shield in WAC 173-401-640 for administrative permit amendments made pursuant to part (1)(e) of this condition. [WAC 173-401-720(4), 11/4/93]

C. Changes not Requiring Permit Revisions

1. General

- a) Franz 6th Avenue is authorized to make the changes described in this section without a permit revision, providing the following conditions are met:
 - i) The proposed changes are not Title I modifications as defined in WAC 173-401-200(33);
 - ii) The proposed changes do not result in emissions that exceed those allowable under the permit, whether expressed as a rate of emissions, or in total emissions;
 - iii) The proposed changes do not alter permit terms that are necessary to enforce limitations on emissions from units covered by the permit; and
 - iv) Franz 6th Avenue provides EPA and the Puget Sound Clean Air Agency with written notification at least seven days prior to making the proposed changes except that written notification of a change made in response to an emergency shall be provided as soon as possible after the event.

- b) Permit attachments. Franz 6th Avenue and the Puget Sound Clean Air Agency shall attach each notice to their copy of the relevant permit.

2. Section 502(b)(10) changes

Pursuant to the conditions in subsection (1) of this section, Franz 6th Avenue is authorized to make section 502(b)(10) changes (as defined in WAC 173-401-200(28)) without a permit revision.

- a) For each such change, the written notification required under subsection (1)(a)(iv) of this condition shall include a brief description of the change within the permitted facility, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.
- b) The permit shield authorized under WAC 173-401-640 shall not apply to any change made pursuant to this paragraph.

3. SIP authorized emissions trading

Pursuant to the conditions in Subsection (1) of this condition, Franz 6th Avenue is authorized to trade increases and decreases in emissions in the permitted facility, where the Washington state implementation plan provides for such emissions trades without requiring a permit revision. This provision is available in those cases where the permit does not already provide for such emissions trading.

- a) Under this Subsection (3), the written notification required under subsection (1)(a)(iv) of this condition shall include such information as may be required by the provision in the Washington state implementation plan authorizing the emissions trade, including at a minimum, when the proposed change will occur, a description of each such change, any change in emissions, the permit requirements with which Franz 6th Avenue will comply using the emissions trading provisions of the Washington state implementation plan, and the pollutants emitted subject to the emissions trade. The notice shall also refer to the provisions with which Franz 6th Avenue will comply in the applicable implementation plan and that provide for the emissions trade.
- b) The permit shield described in WAC 173-401-640 shall not extend to any change made under this paragraph. Compliance with the permit requirements that Franz 6th Avenue will meet using the emissions trade shall be determined according to requirements of the applicable implementation plan authorizing the emissions trade. [WAC 173-401-722, 10/17/02]

D. Off Permit Changes

- a) Franz 6th Avenue shall be allowed to make changes not specifically addressed or prohibited by the permit terms and conditions without requiring a permit revision, provided that the proposed changes do not weaken the enforceability of existing permit conditions. Any change that is a Title I modification or is a change subject to the acid rain requirements under Title IV of the FCAA must be submitted as a permit revision.

- b) Each such change shall meet all applicable requirements and shall not violate any existing permit term or condition.
- c) Franz 6th Avenue must provide contemporaneous written notice to the Puget Sound Clean Air Agency and EPA of each such change, except for changes that qualify as insignificant under WAC 173-401-530. Such written notice shall describe each such change, including the date, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change.
- d) The change shall not qualify for the permit shield under WAC 173-401-640.
- e) Franz 6th Avenue shall keep a record describing changes made at Franz 6th Avenue that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and the emissions resulting from those changes.
- f) When making a change under this section, Franz 6th Avenue shall comply with applicable preconstruction review requirements established pursuant to RCW 70.94.152 and Puget Sound Clean Air Agency Regulation I, Article 6. [WAC 173-401-724, 11/4/93]

E. Permit Modification

- (1) Definition. A permit modification is any revision to this permit that cannot be accomplished under provisions for administrative permit amendments under WAC 173-401-720.
- (2) Procedures. Minor permit modification procedures.

Criteria

- i) Minor permit modification procedures shall be used for those permit modifications that:
 - a) Do not violate any applicable requirement;
 - b) Do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit;
 - c) Do not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis;
 - d) Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that Franz 6th Avenue has assumed to avoid an applicable requirement to which Franz 6th Avenue would otherwise be subject. Such terms and conditions include:
 - A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of Title I of the FCAA; and
 - An alternative emissions limit approved pursuant to regulations promulgated under Section 112(i)(5) of the FCAA;
 - e) Are not modifications under any provision of Title I of the FCAA;

- ii) Notwithstanding (a)(i) of this subsection, and subsection (3) of this section, the Puget Sound Clean Air Agency may allow the use of minor permit modification procedures for permit modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that the use of such minor permit modification procedures is explicitly provided for in the Washington state implementation plan or in applicable requirements promulgated by EPA and in effect on April 7, 1993.
- b) Application. An application requesting the use of minor permit modification procedures shall meet the requirements of WAC 173-401-510 and shall include the following:
 - i) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;
 - ii) Franz 6th Avenue suggested draft permit;
 - iii) Certification by a responsible official, consistent with WAC 173-401-520, of the truth, accuracy, and completeness of the application and that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used; and
 - iv) Completed forms for the Puget Sound Clean Air Agency to use to notify EPA and affected states as required under WAC 173-401-810 and 173-401-820.
- c) Franz 6th Avenue's ability to make change. Franz 6th Avenue may make the change proposed in its minor permit modification application immediately after it files such application provided that those changes requiring the submission of a notice of construction application have been reviewed and approved by the Puget Sound Clean Air Agency. After Franz 6th Avenue makes the change allowed by the preceding sentence, and until the Puget Sound Clean Air Agency takes any of the actions specified in WAC 173-401-725(d), Franz 6th Avenue must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, Franz 6th Avenue need not comply with the existing permit terms and conditions it seeks to modify. However, if Franz 6th Avenue fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.
- d) Permit shield. The permit shield under WAC 173-401-640 shall not extend to minor permit modifications.
- (3) **Group processing of minor permit modifications.** Consistent with WAC 173-401-725(3), the Puget Sound Clean Air Agency may process groups of a source's applications for certain modifications eligible for minor permit modification processing.
- (4) **Significant modification procedures.**
 - a) **Criteria.** Significant modification procedures shall be used for applications requesting permit modifications that do not qualify as minor permit modifications or as administrative permit amendments. Every significant change in existing monitoring permit terms or conditions and every relaxation of reporting or

recordkeeping permit terms or conditions shall be considered significant. Nothing herein shall be construed to preclude Franz 6th Avenue from making changes consistent with Chapter 173-401 WAC that would render existing permit compliance terms and conditions irrelevant.

- b) Significant permit modifications shall meet all requirements of Chapter 173-401 WAC, including those for applications, public participation, review by affected states, and review by EPA, as they apply to permit issuance and permit renewal. The Puget Sound Clean Air Agency shall complete review on the majority of significant permit modifications within nine months after receipt of a complete application. [WAC 173-401-725, 11/4/93]

F. Reopening for Cause

- (1) **Standard provisions.** This permit shall be reopened and revised under any of the following circumstances:
 - a) Additional applicable requirements become applicable to Franz 6th Avenue with a remaining permit term of three or more years. Such a reopening shall be completed not later than eighteen months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions have been extended pursuant to WAC 173-401-620(2)(j);
 - b) Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by EPA, excess emissions offset plans shall be deemed to be incorporated into the permit;
 - c) The Puget Sound Clean Air Agency or EPA determine that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit; or
 - d) The Puget Sound Clean Air Agency or EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
- (2) **Procedures.** Proceedings to reopen and issue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Such reopening shall be made as expeditiously as practicable.
- (3) **Notice.** Reopening under this section shall not be initiated before a notice of such intent is provided to Franz 6th Avenue by the Puget Sound Clean Air Agency at least thirty days in advance of the date that the permit is to be reopened, except that the Puget Sound Clean Air Agency may provide a shorter time period in the case of an emergency. [WAC 173-401-730, 11/4/93]

VII. PERMIT SHIELD

Compliance with the conditions of the permit shall be deemed compliance with any applicable requirements contained in Sections I through VI of this permit that are specifically identified in this permit as of the date of permit issuance . [WAC 173-401-640(1), 11/4/93]

Nothing in this permit shall alter or affect the following:

- (1) The provisions of Section 303 of the FCAA (emergency orders), including the authority of the administrator under that section;
- (2) The liability of an owner or operator of Franz 6th Avenue for any violation of applicable requirements prior to or at the time of permit issuance;
- (3) The applicable requirements of the acid rain program, consistent with Section 408(a) of the FCAA;
- (4) The ability of EPA to obtain information from a source pursuant to Section 114 of the FCAA; or
- (5) The ability of the Puget Sound Clean Air Agency 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(4), 11/4/93]

VIII. INAPPLICABLE REQUIREMENTS

As of the date of permit issuance, the requirements listed below do not apply to Franz 6th Avenue, or to the specific emissions units specified below for the reasons indicated. The permit shield applies to all requirements so identified. [WAC 173-401-640(2) 11/4/93]

Reqmt No.	Requirement	Adoption or Effective Date	Description and Reasons for Inapplicability Determination
VIII.1.	Puget Sound Clean Air Agency Regulation I, Section 9.08(a), RCW 70.94.610	04/14/94	Specific air pollution limits for combustion of fuel oil. Franz 6th Avenue does not have the capability to burn fuel oil and would have to get approval from Puget Sound Clean Air Agency first to do so.
VIII.2.	Puget Sound Clean Air Agency Regulation II	As of permit date	Specific rules for VOC sources. Franz 6th Avenue does not have sources subject to Regulation II and would need to get approval from Puget Sound Clean Air Agency to install any.
VIII.3.	Chapter 173-490 WAC	3/22/91	Specific rules for VOC sources. Control requirements in Chapter 173-490 WAC do not apply because Franz 6th Avenue is not located in an ozone nonattainment area.
VIII.4.	Chapter 173-470, 173-474, 173-475, 173-480 and 173-481 WAC	As of permit date	These provisions, which establish ambient air quality standards, are not considered to be applicable requirements under WAC 173-401-200(4).

IX. APPENDIXES

A. Non-EPA Test Methods

- 1. Puget Sound Clean Air Agency Method 5**
- 2. Ecology Method 9A**