



## AIR OPERATING PERMIT

Puget Sound Clean Air Agency  
1904 Third Avenue – Suite 105  
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, Mutual Materials is authorized to operate subject to the terms and conditions in this permit.

|   |                                      |
|---|--------------------------------------|
| <b>PERMIT NO.: 11568</b>  | <b>DATE OF ISSUANCE: May 8, 2007</b> |
| <b>ISSUED TO: Mutual Materials Company, Newcastle Brick Plant</b> |                                      |
| <b>PERMIT EXPIRATION DATE: May 8, 2012</b>                        |                                      |


SIC Code, Primary: 3251  
Nature of Business: Manufacturing of Clay Brick

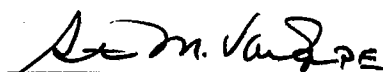
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## TABLE OF CONTENTS

|       |  |    |
|-------|--|----|
| I.    | EMISSION LIMITS AND PERFORMANCE STANDARDS .....            | 3  |
| II.   | MONITORING, MAINTENANCE AND RECORDKEEPING PROCEDURES ..... | 12 |
| III.  | PROHIBITED ACTIVITIES.....                                 | 16 |
| IV.   | ACTIVITIES REQUIRING ADDITIONAL APPROVAL .....             | 18 |
| V.    | STANDARD TERMS AND CONDITIONS .....                        | 21 |
| VI.   | PERMIT ACTIONS.....  | 32 |
| VII.  | PERMIT SHIELD.....   | 39 |
| VIII. | INAPPLICABLE REQUIREMENTS.....                             | 40 |
| IX.   | APPENDIXES .....   | 41 |

## TABLES

|   |    |
|---|----|
| Table 1 Facility-Wide Applicable Requirements ..... | 4  |
| Table 2 EU-1: Keller Tunnel Kiln & Dryer .....      | 10 |

## I. EMISSION LIMITS AND PERFORMANCE STANDARDS

The following tables list the citation for each “applicable requirement” in the second column. This can be a Puget Sound Clean Air Agency requirement, a Washington State Department of Ecology requirement, or a federal requirement. All requirements are federally enforceable unless they are identified in column two by the words “State Only.”

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 either the state (or local authority) has not submitted the regulation to the EPA for approval into the State Implementation Plan (SIP), or the state (or local authority) has submitted it and the EPA has not yet approved it. “*STATE ONLY*” adoption dates are in *italicized* font. When the EPA does approve the new requirement by adopting it into the SIP, the old requirement will be replaced and superseded by the new requirement. This replacement will take place automatically, with no changes being made to this permit until the permit is renewed. The new requirement will be enforceable by the EPA as well as the Puget Sound Clean Air Agency from the date that it is adopted into the SIP, and the old requirement will no longer be an applicable requirement.

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 required to “reasonably assure continuous compliance” with, and is an enforceable requirement of, this air operating permit. Note that all inspections, tests, and other actions must be documented (see paragraph 4 of Subsection V.O for specific requirements).

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 if and 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 APPLICABLE REQUIREMENTS**

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 | Emission Standard Period     | Reference Test Method                                  |
|--------------------------|--|--|---|--|------------------------------|--|
| <b>General</b>           |  |  |   |  |                              |  |
| I.A.1                    | WAC 173-400-040<br>WAC 173-400-040<br>(STATE ONLY)   | 9/23/93<br>2/10/05                       | All emission units are required to use RACT.  | No monitoring required                         | N/A                          | N/A  |
| <b>Opacity Standards</b> |  |  |   |  |                              |  |
| I.A.2                    | Puget Sound Clean Air Agency Reg I: 9.03 (except for 9.03(e))<br>Puget Sound Clean Air Agency Reg. I: 9.03 (STATE ONLY)<br>WAC 173-400-040(1)<br>WAC 173-400-040(1) (STATE ONLY) | 3/11/99<br>3/25/04<br>9/23/93<br>2/10/05 | Mutual Materials shall not emit any air pollutants which exhibit greater than 20% opacity for a period or periods aggregating more than 3 minutes in any hour | II.A.1(a) Facility-Wide Inspections            | More than 3 min. in any 1 hr | Ecology Reference Method 9A, 7/12/1990 (See Section X) |

| Reqmt No.                           | Enforceable Requirement  | Adoption or Effective Date    | Requirement Paraphrase (Information Only)  | Monitoring, Maintenance & Recordkeeping Method | Emission Standard Period | Reference Test Method  |
|-------------------------------------|--|-------------------------------|--|--|--------------------------|--|
| <b>Particulate Matter Standards</b> |  |                               |  |  |                          |  |
| I.A.3                               | Puget Sound Clean Air Agency Reg I: 9.09   | 4/9/98                        | Mutual Materials shall not emit particulate matter in excess of 0.05 gr/dscf from equipment used in a manufacturing process.                       | II.A.1(a) Facility-Wide Inspections            | (3) 1-hour runs          | 40 CFR 60, Appendix A, Reference Method 5 as modified by Puget Sound Clean Air Agency Resolution dated 8/11/1983 |
| I.A.4                               | WAC 173-400-060<br>WAC 173-400-060<br>(STATE ONLY).  | 3/22/91<br>2/10/05            | Mutual Materials shall not emit particulate matter in excess of 0.1 gr/dscf uncorrected for excess air from general process units                  | II.A.1(a) Facility-Wide Inspections            | (3) 1-hour runs          | EPA Method 5 (40 CFR Part 60, Appendix A, July 1, 2005)  |
| I.A.5                               | WAC 173-400-050(1)<br>WAC 173-400-050(1)<br>(STATE ONLY)   | 3/22/91<br>2/10/05            | Mutual Materials shall not emit particulate matter in excess of 0.1 gr/dscf corrected to 7% O <sub>2</sub> from combustion and incineration units. | II.A.1(a) Facility-Wide Inspections            | (3) 1-hour runs          | EPA Method 5 (40 CFR Part 60, Appendix A, July 1, 2005)  |
| <b>SO<sub>2</sub> Standards</b>     |  |                               |  |  |                          |  |
| I.A.6                               | Puget Sound Clean Air Agency Reg I: 9.07<br>WAC 173-400-040(6) first paragraph only.<br>WAC 173-400-040(6)<br>(STATE ONLY) | 4/14/94<br>9/23/93<br>2/10/05 | Mutual Materials shall not emit SO <sub>2</sub> in excess of 1,000 ppmv (dry) corrected to 7% O <sub>2</sub> for fuel burning equipment            | No monitoring required                         | (3) 1-hour runs          | EPA Method 6C (40 CFR Part 60, Appendix A, July 1, 2005)   |

| Reqmt No.                 | Enforceable Requirement   | Adoption or Effective Date                       | Requirement Paraphrase (Information Only)  | Monitoring, Maintenance & Recordkeeping Method                      | Emission Standard Period | Reference Test Method  |
|---------------------------|---|--|--|---|--------------------------|--|
| <b>HCI Standards</b>      |   |  |  |   |                          |  |
| I.A.7                     | Puget Sound Clean Air Agency Reg. I: 9.10(a)<br><i>(STATE ONLY)</i>   | 6/9/88   | Mutual Materials shall not emit HCl in excess of 100 ppm (dry) corrected to 7% O <sub>2</sub> for combustion sources   | No monitoring required  | (3) 1-hour runs          | EPA Method 26 or 26A<br>(40 CFR Part 60, Appendix A; July 1, 2005) |
| <b>Nuisance Standards</b> |   |  |  |   |                          |  |
| I.A.8                     | WAC 173-400-040(5)<br><i>Puget Sound Clean Air Agency Reg. I: 9.11 (STATE ONLY)</i><br>WAC 173-400-040(5)<br><i>(STATE ONLY)</i><br>WAC 173-400-040(2)<br><i>(STATE ONLY)</i><br>RCW 70.94.040<br><i>(STATE ONLY)</i> | 8/20/93<br>3/11/99<br>2/10/05<br>2/10/05<br>1996 | Mutual Materials 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 | II.A.1(a) Facility-Wide Inspections<br>II.A.1(b) Complaint Response | NA                       | NA   |
| I.A.9                     | WAC 173-400-040(4)<br><i>(STATE ONLY)</i>   | 2/10/05  | Mutual Materials shall use recognized good practice and procedures to reduce to a minimum odors which may unreasonably interfere with any other property owners' use and enjoyment of their property   | II.A.1(a) Facility-Wide Inspections<br>II.A.1(b) Complaint Response | NA                       | NA   |

| Reqmt No.                           | Enforceable Requirement  | Adoption or Effective Date               | Requirement Paraphrase (Information Only)   | Monitoring, Maintenance & Recordkeeping Method | Emission Standard Period | Reference Test Method |
|-------------------------------------|--|--|---|--|--------------------------|-----------------------|
| <b>Fugitive Emissions Standards</b> |  |  |   |  |                          |                       |
| I.A.10                              | WAC 173-400-040(3)<br>WAC 173-400-040(3)<br><i>(STATE ONLY)</i><br>WAC 173-400-040(8)<br>WAC 173-400-040(8)<br><i>(STATE ONLY)</i> | 9/23/93<br>2/10/05<br>9/23/93<br>2/10/05 | Mutual Materials shall take reasonable precautions to prevent release of fugitive dust. | II.A.1(c) Fugitive Dust<br>II.A.1(d) Road Dust | NA                       | NA                    |

| Reqmt No. | Enforceable Requirement                   | Adoption or Effective Date | Requirement Paraphrase (Information Only)  | Monitoring, Maintenance & Recordkeeping Method                  | Emission Standard Period | Reference Test Method |
|-----------|---|----------------------------|--|---|--------------------------|-----------------------|
| I.A.11    | Puget Sound Clean Air Agency Reg. I: 9.15 | 3/11/99                    | <p>(a) Mutual Materials shall not 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:</p> <ol style="list-style-type: none"> <li>(1) The use of control equipment, enclosures, and wet (or chemical) suppression techniques, as practical, and curtailment during high winds;</li> <li>(2) Surfacing roadways and parking areas with asphalt, concrete, or gravel;</li> <li>(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</li> <li>(4) Covering or wetting truck loads or allowing adequate freeboard to prevent the escape of dust-bearing materials</li> </ol> <p>(b) Compliance with the provisions of this section shall not relieve Mutual Materials of the responsibility of complying with Reg. I: 9.11.</p> | <p>II.A.1(c) Fugitive Dust<br/>         II.A.1(d) Road Dust</p> | NA                       | NA                    |

| Reqmt No.                                   | Enforceable Requirement                      | Adoption or Effective Date | Requirement Paraphrase<br>(Information Only)   | Monitoring, Maintenance & Recordkeeping Method         | Emission Standard Period | Reference Test Method |
|---|--|----------------------------|--|--|--------------------------|-----------------------|
| <b>Operations and Maintenance Standards</b> |  |                            |  |  |                          |                       |
| I.A.12                                      | Puget Sound Clean Air Agency Reg. I: 9.20(b) | 6/9/88                     | Mutual Materials shall maintain equipment not subject to Puget Sound Clean Air Agency Reg. I, Section 9.20(a) in good working order  | II.B Operation and Maintenance (O&M) Plan Requirements | N/A                      | N/A                   |
| I.A.13                                      | Puget Sound Clean Air Agency Reg. I: 7.09(b) | 9/10/98                    | Mutual Materials shall develop and implement an O&M Plan to assure continuous compliance with Puget Sound Clean Air Agency Regulations I, II and III   | II.B Operation and Maintenance (O&M) Plan Requirements | NA                       | NA                    |
| I.A.14                                      | RCW 70.94.152(7)<br><i>(STATE ONLY)</i>      | 1996                       | Must maintain and operate equipment requiring an NOC in good working order   | II.B Operation and Maintenance (O&M) Plan Requirements | NA                       | NA                    |
| I.A.15                                      | RCW 70.94.040<br><i>(STATE ONLY)</i>         | 1996                       | Except where specified in a variance permit, as provided in RCW <u>70.94.181</u> , it shall be unlawful for any person to cause air pollution or permit it to be caused in violation of chapter 70.94 RCW, or of any ordinance, resolution, rule or regulation validly promulgated thereunder. | No monitoring required                                 | N/A                      | N/A                   |

NA = Not Applicable

**B. EMISSION UNIT SPECIFIC APPLICABLE REQUIREMENTS**

The requirements in Section I.A. apply to the all emission units and activities at the facility; the requirements described in Section I.B only apply to the specific emission units cited. If the monitoring, maintenance and recordkeeping method for any requirement in Section I.A. is more extensive for specific emission units, the requirement is repeated in this section with the additional monitoring, maintenance and recordkeeping requirements.

**1. Emission Unit #1 (EU-1): Keller Tunnel Kiln & Dryer**

**Table 2 EU-1: Keller Tunnel Kiln & Dryer**

| Reqmt No. | Enforceable Requirement  | Adoption or Effective Date               | Requirement Paraphrase (Information Only)   | Monitoring, Maintenance & Recordkeeping Method                  | Emission Standard Period     | Reference Test Method  |
|-----------|--|--|---|---|------------------------------|--|
| EU 1. 1.  | Puget Sound Clean Air Agency Reg I: 9.03 (except for 9.03(e))<br>Puget Sound Clean Air Agency Reg. I: 9.03 (STATE ONLY)<br>WAC 173-400-040(1)<br>WAC 173-400-040(1) (STATE ONLY) | 3/11/99<br>3/25/04<br>9/23/93<br>2/10/05 | Mutual Materials shall not emit any air pollutants which exhibit greater than 20% opacity for a period or periods aggregating more than 3 minutes in any hour | II.A.2(a) Keller Kiln Opacity and Particulate Matter Monitoring | More than 3 min. in any 1 hr | Ecology Reference Method 9A, 7/12/1990 (See Section X)   |
| EU 1. 2.  | Puget Sound Clean Air Agency Reg I: 9.09   | 4/9/98                                   | Mutual Materials shall not emit particulate matter in excess of 0.05 gr/dscf from equipment used in a manufacturing process.                                  | II.A.2(a) Keller Kiln Opacity and Particulate Matter Monitoring | (3) 1-hour runs              | 40 CFR 60, Appendix A, Reference Method 5 as modified by Puget Sound Clean Air Agency Resolution dated 8/11/1983 |

| Reqmt No. | Enforceable Requirement                             | Adoption or Effective Date | Requirement Paraphrase (Information Only)  | Monitoring, Maintenance & Recordkeeping Method                  | Emission Standard Period | Reference Test Method                                   |
|-----------|---|----------------------------|--|---|--------------------------|---|
| EU 1. 3.  | WAC 173-400-060<br>WAC 173-400-060<br>(STATE ONLY). | 3/22/91<br>2/10/05         | Mutual Materials shall not emit particulate matter in excess of 0.1 gr/dscf uncorrected for excess air from general process units  | II.A.2(a) Keller Kiln Opacity and Particulate Matter Monitoring | (3) 1-hour runs          | EPA Method 5 (40 CFR Part 60, Appendix A, July 1, 2005) |
| EU 1. 4.  | Order of Approval No. 6387 Condition 6              | 4/9/96                     | Kiln shall only vent to the Keller brick stack   | No monitoring required  | NA                       | NA  |
| EU 1. 5.  | Order of Approval No. 6387 Condition 7              | 4/9/96                     | Mutual Materials shall install and properly operate a continuous stack temperature recorder and follow Regulation I, Sections 12.03 (temperature monitor must be accurate within $\pm 5$ degrees) and 12.04(a) through (e) (temperature monitoring results shall be reduced to 15 minute averages).<br><br>(See attached Resolution 644 effective 8/10/89) | No monitoring required  | NA                       | NA  |
| EU 1. 6.  | Order of Approval No. 6387 Condition 8              | 4/9/96                     | Must maintain a stack temperature during kiln operations at or above 435°F   | II.A.2(b) Temperature Monitoring                                | NA                       | NA  |
| EU 1. 7.  | 40 CFR 63.8380                                      | 5/16/03                    | Mutual Materials is subject to Subpart JJJJ because the source has PTE for hydrogen fluoride > 10 ton per year. No requirements apply because the only applicable emission unit is an existing tunnel kiln with < 10 ton per hour design capacity.   | No monitoring required  | NA                       | NA  |
| EU 1. 8.  | 40 CFR 63.8385(d)                                   | 5/16/03                    | Mutual Materials shall produce less than 10.0 tons per hour of fired product in the tunnel kiln.   | II.A.2(c) Tunnel kiln design capacity limitation                | NA                       | NA  |

NA = Not Applicable

## **II. MONITORING, MAINTENANCE AND RECORDKEEPING PROCEDURES**

### ***A. Minimum Monitoring and Maintenance Requirements.***

#### **1. Facility-Wide Monitoring**

##### ***(a) Facility-Wide Inspections***

Mutual Materials 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 general applicable requirements and the general effectiveness of the Operation & Maintenance (O&M) Plan.

Mutual Materials shall correct any problems, with significant emission units or activities, identified by these inspections as soon as possible but no later than 24 hours after identification or shut down the unit or activity until the problem can be corrected.

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

##### ***(b) Complaint Response***

Mutual Materials shall record and commence an investigation of air pollution complaints as soon as possible, but no later than three days after receipt. Mutual Materials shall identify complaints regarding these emissions as follows:

- (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;
- (2) Any emissions from fallout;
- (3) Any track-out onto paved roads open to the public;
- (4) Any emissions of odor-bearing air contaminants; or
- (5) Complaints regarding other applicable requirements.

Mutual Materials shall investigate the complaint and determine if there was noncompliance with an applicable requirement of this permit. If it is determined to be noncompliance, Mutual Materials shall correct the problem as soon as possible but no later than within 24 hours of determination or shut down the noncompliant operation until it is repaired or corrected.

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

***(c) Fugitive Dust***

Mutual Materials shall conduct daily inspections of the Keller kiln and dryer equipment for visible, fugitive, particulate emissions. Inspections are to be performed while the equipment is in operation during daylight hours. If visible, fugitive, particulate emissions are observed, Mutual Materials shall record results of the observation and within 24 hours of the initial observation, take corrective action until there are no visible emissions or shut down the unit or activity until it can be repaired. [WAC 173-401-615(1)(b), 10/17/02]

***(d) Road Dust***

Mutual Materials shall conduct daily inspections of areas likely to generate fugitive dust or track-out including the areas occupied by the parking lots, roadways, haul roads, storage areas, construction areas or brick handling areas. Mutual Material shall clean up any dust spillage that is likely to cause track-out promptly but no later than within 24 hours. [WAC 173-401-615(1)(b), 10/17/02]

***(e) Maintenance and Repair of Insignificant Emission Units***

Mutual Materials shall use good industrial practices to maintain insignificant emission units and equipment<sup>1</sup> not listed in this permit. For such equipment, Mutual Materials shall also promptly repair defective equipment. Good industrial practices may include 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 173-401-615(1)(b), 10/17/02]

**2. Specific Monitoring**

***(a) Keller Kiln Opacity and Particulate Matter Monitoring***

Mutual Materials shall conduct daily inspections of the Keller kiln stack exhaust for visible emissions. Inspections shall be performed while the equipment is in operation and during daylight hours. If visible emissions other than uncombined water are observed that last longer than three minutes in an hour, Mutual Materials shall record results of observation and as soon as possible but within 24 hours of the initial observation, take corrective action until there are no visible emissions or, alternatively, record the opacity using the reference test method or shut down the unit or activity until it can be repaired. [WAC 173-401-615(1)(b), 10/17/02]

Mutual Materials shall conduct daily inspections of the Keller kiln and dryer equipment for visible, fugitive, particulate emissions. Inspections are to be performed while the equipment is in operation during daylight hours. If visible, fugitive, particulate emissions are observed, Mutual

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

Materials shall record results of the observation and within 24 hours of the initial observation, take corrective action until there are no visible emissions or shut down the unit or activity until it can be repaired. [WAC 173-401-615(1)(b), 10/17/02]

***(b) Temperature Monitoring***

Mutual Materials shall install and properly operate a continuous stack temperature recorder and follow Regulation I, Sections 12.03 and 12.04(a) through (e).

Mutual Materials shall continuously monitor the Keller kiln stack temperature and record the value hourly during operation. Mutual Materials shall annually calibrate the thermocouple probe and maintain records as required in Section V.O.

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

***(c) Tunnel kiln design capacity limitation***

Mutual Materials shall maintain on file documentation showing that maximum design capacity of the tunnel kiln is less than ten tons of fired product per hour.

Mutual Materials shall report any exceedance of the 10.0 ton per hour production rate or any reconstruction, modification of the existing tunnel kiln or construction of a new tunnel kiln in accordance with 40 CFR 63.6(b)(5).

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

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

Mutual Materials shall develop and implement an operation and maintenance plan to assure continuous compliance with Puget Sound Clean Air Agency Regulations I, II, and III. A copy of the plan shall be filed with the Control Officer upon request. The plan shall reflect good industrial practice and shall include, but not be limited to, the following:

- (1) Periodic inspection of all equipment and control equipment;
- (2) Monitoring and recording of equipment and control equipment performance;

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*Tunnel kiln design capacity* means the maximum amount of clay ceramics, in Mg (tons), that a kiln is designed to produce in one year divided by the number of hours in a year (8,760 hours). If a kiln is modified to increase the capacity, the design capacity is considered to be the capacity following modifications.

In most instances, following the manufacturer's operations manual or equipment operational schedule, minimizing emissions until the repairs can be completed and taking measures to prevent recurrence of the problem may be considered good industrial practice.

- (3) Prompt repair of any defective equipment or control equipment;
- (4) Procedures for start up, shut down, and normal operation;
- (5) The control measures to be employed to assure compliance with Section 9.15 of Regulation I; and
- (6) A record of all actions required by the plan.
- (7) The plan shall be reviewed by the source owner or operator at least annually and updated to reflect any changes in good industrial practice.
- (8) For insignificant emission units, refer to the requirements stated in Section II.A.1(e) of this permit.

Determination of whether good industrial practice is being used will be based on available information such as monitoring results, opacity observations, review of operations and maintenance procedures, and checks of the emission unit or equipment. The specific provisions of the O&M Plan, other than those required by Condition Section II A, shall not be deemed part of this permit.

[Puget Sound Clean Air Agency Reg. I: 7.09(b) (9/10/98)]

### **III. PROHIBITED ACTIVITIES**

Mutual Materials 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, 8/20/93]

#### **B. Open Burning**

Mutual Materials 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, 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, 11/09/02] [WAC 173-425-020(1), 1/1/93; WAC 173-425-050(1), 1/1/93; RCW 70.94.743, 1998 c68 p1 and RCW 70.94.775(2), 1995 c 362p2 State/Puget Sound Clean Air Agency only]

#### **C. Refuse Burning**

Mutual Materials shall not cause or allow the burning of combustible refuse except in a multiple chamber incinerator provided with control equipment. Mutual Materials 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**

Mutual Materials 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. [WAC 173-400-040(7), 9/20/93] [Puget Sound Clean Air Agency Regulation I, Section 9.13(a), 6/9/88, State/Puget Sound Clean Air Agency only]

#### **E. Masking**

Mutual Materials 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. [WAC 173-400-040(7), 9/20/93] [Puget Sound Clean Air Agency Regulation I, Section 9.13(b), 6/9/88, State/Puget Sound Clean Air Agency only]

***F. Circumvention***

Mutual Materials shall not build, erect, install, or otherwise use any article, machine, equipment or process, the use of which would otherwise constitute a violation of an applicable standard in 40 CFR Part 60. [40 CFR 60.12, 3/8/74]

***G. Tampering***

Mutual Materials shall not render inaccurate 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]

***H. False Statements***

Mutual Materials 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]

## **IV. ACTIVITIES REQUIRING ADDITIONAL APPROVAL**

Mutual Materials shall file notification and obtain the necessary approval from the Puget Sound Clean Air Agency before conducting any of the following:

### **A. New Source Review**

Mutual Materials 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. [Puget Sound Clean Air Agency Regulation I, Section 6.03, 9/12/96], [Puget Sound Clean Air Agency Regulation I, Section 6.01, 3/26/06; Puget Sound Clean Air Agency Regulation I, Section 6.03, 10/26/06; WAC 173-460-040, 1/14/94; 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**

Mutual Materials 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, 11/19/92] [Puget Sound Clean Air Agency Regulation I, Section 6.01, 3/26/06; Puget Sound Clean Air Agency Regulation I, Section 6.03, 10/26/06; WAC 173-400-114, 9/20/93; RCW 70.94.153, 1991 c 199p303 State/Puget Sound Clean Air Agency only]

### **C. Asbestos**

Mutual Materials 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]

Mutual Materials 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, 3/27/03]

### **D. Spray Coating**

Mutual Materials shall comply with Puget Sound Clean Air Agency Regulation I, Section 9.16 as follows:

- (a) **Applicability.** This section applies to spray-coating operations at facilities subject to Article 5 (Registration) or Article 7 (Operating Permits) of this regulation, where a coating that protects or beautifies a surface is applied with spray-coating equipment.
- (b) **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.

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

**E. NESHAPS**

It shall be unlawful for any person to cause or allow the operation of any source in violation of any provision of Part 61 or Part 63, Title 40, of the Code of Federal Regulations (excluding Part 61, Subparts B, H, I, K, Q, R, T, and W; and Part 63, Subpart LL, the provisions of Subpart M pertaining to area source perchloro-ethylene dry cleaners, and the provisions of Subparts S and MM pertaining to kraft and sulfite pulp mills) in effect as of July 1, 2005, herein incorporated by reference. [Puget Sound Clean Air Agency Regulation III, Section 2.02, 9/26/02]

## **V. STANDARD TERMS AND CONDITIONS**

### ***A. Duty to comply***

Mutual Materials 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 reissuance, 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 Mutual Materials for a permit modification, revocation and reissuance, 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***

Mutual Materials shall furnish to the 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, Mutual Materials 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, Mutual Materials 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***

Mutual Materials shall pay fees as a condition of this permit in accordance with the Puget Sound Clean Air Agency Regulation I, Article 7. Failure to pay fees in a timely fashion shall subject Mutual Materials 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 the 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) and WAC 173-401-735, 11/4/93; 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 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, Mutual Materials shall allow the Puget Sound Clean Air Agency or an authorized representative to:

- (1) Enter Mutual Materials' premises or where records must be kept under the conditions of this permit;
- (2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- (3) Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices or operations regulated or required under the permit; and
- (4) 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, 11/12/97 State/Puget Sound Clean Air Agency only] [RCW 70.94.200 State/Puget Sound Clean Air Agency only]

#### **L. Compliance requirements**

Mutual Materials shall continue to comply with all applicable requirements with which the source is currently in compliance. Mutual Materials 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), 11/4/93]

#### **M. Compliance certifications**

Mutual Materials shall submit a written certification of compliance with permit terms and conditions no less frequently than once per year. Mutual Materials shall transition from the annual reporting period based on the "anniversary date" of the original permit (March 21 through March 20) to a reporting period based on the calendar year, with the transition to begin with the issue date of this permit renewal. The annual reporting period in effect at the time of issuance of this permit renewal shall run through either March 20 or December 31, whichever comes first. The next certification period shall cover a period ending on December 31. Subsequent compliance certification periods shall run from January 1 through December 31 of each year. Each certification shall include:

1. The identification of each term or condition of the permit that is the basis of the certification;
2. The compliance status;
3. Whether compliance was continuous or intermittent; and
4. 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, Maintenance and Recordkeeping Methods.

Submittal of a Puget Sound Clean Air Agency "OPERATING PERMIT – ANNUAL CERTIFICATION FORM," completed in accordance with the instructions on the form, fulfills the requirements of this subsection. All compliance certifications shall be submitted to EPA Region 10 and to the Puget Sound Clean Air Agency, at the following addresses, within 30 days after the close of the period covered by the certification:

Puget Sound Clean Air Agency  
Attn.: Operating Permit Certification  
1904 Third Avenue – Suite 105  
Seattle, Washington 98101

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

[WAC 173-401-630(5), 11/4/93]

## **N. Compliance determination**

### **1. Emission Testing**

- (a) 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 Mutual Materials to have it tested. In the event the Puget Sound Clean Air Agency or Ecology conduct the test, Mutual Materials shall be given an opportunity to observe the sampling and to obtain a sample at the same time.
- (b) 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.
- (c) Mutual Materials shall notify the Puget Sound Clean Air Agency in writing at least 21 days prior to any compliance test. Notification of a compliance test shall be submitted on forms provided by the Agency. Test notifications using the Agency forms do not constitute test plans. Compliance with this notification provision does not satisfy any obligation found in an order or other regulatory requirement to submit a test plan for Agency review. Notification under this provision does not waive or modify test notification requirements found in other applicable regulations.
- (d) Unless otherwise specified, each test for particulate, PM<sub>10</sub>, NO<sub>x</sub> and sulfur dioxide 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 Control Officer approval, be determined from the arithmetic average of the two other runs.
- (e) Mutual Materials, if required by the Puget Sound Clean Air Agency to perform a compliance test, shall submit a report to the Puget Sound Clean Air Agency no later than 60 days after the test. The report shall include:
  - (1) A description of the source and the sampling location;
  - (2) The time and date of the test;
  - (3) A summary of results, reported in units and for averaging periods consistent with

the applicable emission standard;

- (4) A description of the test methods and quality assurance procedures employed;
- (5) The amount of fuel burned or raw material processed by the source during the test;
- (6) The operating parameters of the source and control equipment during the test;
- (7) Field data and example calculations; and
- (8) 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), 9/20/93; Puget Sound Clean Air Agency Regulation I, Section 3.05(b), 2/10/94; and Puget Sound Clean Air Agency Regulation I, Section 3.07, 2/9/95] [Puget Sound Clean Air Agency Regulation I, Section 3.07, 3/23/06, *State/Puget Sound Clean Air Agency only*]

## **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 in Puget Sound Clean Air Agency Regulation I 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, 40 CFR 52.12, 40 CFR 52.33, Puget Sound Clean Air Agency Regulation I, Section 3.06, 10/8/98]

## **O. Recordkeeping**

Mutual Materials shall maintain the following:

- (1) Records of required monitoring information that include the following if applicable:
  - (a) The date, place as defined in the permit, and time of sampling or measurements;
  - (b) The date(s) analyses were performed;
  - (c) The company or entity that performed the analyses;
  - (d) The analytical techniques or methods used;
  - (e) The results of such analyses; and
  - (f) The operating conditions existing at the time of sampling or measurement.

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

- (2) 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]

- (3) Records of all monitoring data and support information required by this permit shall be retained by Mutual Materials for a period of five years from the date of the monitoring, sample, measurement, record 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]
- (4) Mutual Materials shall document all inspections, tests and other actions required by the O&M Plan and Section II.A 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. All such records shall be signed and dated. Mutual Materials shall maintain records of all inspections, tests, and other actions required by the O&M Plan on site and available for Puget Sound Clean Air Agency review. [Puget Sound Clean Air Agency Regulation I, Section 7.09(b), 9/10/98]
- (5) Mutual Materials shall maintain a contemporaneous record of all deviations. [WAC 173-401-615 (3)(b), 10/17/02]

#### **P. Data recovery**

Mutual Materials shall recover valid monitoring and recordkeeping data for each parameter according to any specific monitoring and recordkeeping requirements identified in Section II of this permit. However, if such requirements are silent on data recovery provisions, data recovery is assumed to be 100% [WAC 173-401-615(1)(b) 10/17/02].

#### **Q. Reporting**

##### **1. Deviation Report**

Mutual Materials shall report in writing to Puget Sound Clean Air Agency Operating Permit Certification any and 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. "Deviation" means any situation in which an emission unit fails to meet a permit term or condition. Mutual Materials shall maintain a contemporaneous record of all deviations. Mutual Materials 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. Mutual Materials shall report other deviations in writing to Puget Sound Clean Air Agency Operating Permit Certification no later than 30 days after the end of the month during which the deviation is discovered. A Deviation Report *may* be certified by a responsible official as provided in 0 at the time of submittal; however it is not required to be certified at the time of submittal. Any Deviation Report *not* certified at the time of submittal must be certified in the semiannual Certification of Reports as per V.Q.2. Submittal of a Puget Sound Clean Air Agency

“OPERATING PERMIT – DEVIATION REPORT FORM,” completed in accordance with the instructions on the form, fulfills the requirements of this subsection. [WAC 173-401-615(3)(b), 10/17/02]

## **2. Certification of Reports (semiannual)**

Mutual Materials shall submit in writing to Puget Sound Clean Air Agency Operating Permit Certification a semi-annual report which shall summarize each permit report filed during the six-month period. Except for the first reporting period after issue of this permit renewal, each Certification of Reports shall cover six month periods, which shall run from January 1 through June 30 and from July 1 through December 31. The first reporting period after issue of this permit renewal shall run from either March 21 through June 30 or from September 21 through December 30. Reports shall be submitted within 30 days after the end of the period covered by the report, with due dates of July 30 and January 30. Each Certification of Reports shall be certified by a responsible official as provided in V.Q.3. The “Certification of Reports” need not duplicate information contained in another report. Deviation reports that are submitted pursuant to V.Q.1 within a given six-month reporting period may be summarized and certified by the responsible official in this semiannual Certification of Reports. If there were no instances of deviations from permit requirements during the six month period, the semi-annual report shall state that there were no instances of deviations from permit requirements. Submittal of a Puget Sound Clean Air Agency “OPERATING PERMIT – SEMI-ANNUAL CERTIFICATION OF REPORTS FORM,” completed in accordance with the instructions on the form, fulfills the requirements of this subsection. [WAC 173-401-615(3)(a), 10/17/02]

## **3. Certification by Responsible Official**

Any application form, report, or compliance certification (as required in Section V.M) 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. All certifications by a responsible official shall done be by the responsible official listed on the front page of this permit, unless that person designates a temporary substitute person who qualifies as a “responsible official” as defined in WAC 173-401-200(29), and that person signs “for” the responsible official listed on this permit. [WAC 173-401-520, 11/4/93]

## **4. Emission reporting**

Mutual Materials shall report annually to the Puget Sound Clean Air Agency listing those air contaminants emitted during the previous calendar year that equal or exceed the following in tons per year:

Carbon monoxide (CO) emissions.....25  
 Facility combined total of all toxic air  
 contaminants (TAC) emissions.....6  
 Any single toxic air contaminant (TAC) emissions.....2  
 Nitrogen oxide (NO<sub>x</sub>) emissions .....25  
 Particulate matter (PM<sub>10</sub>) emissions .....25  
 Particulate matter (PM<sub>2.5</sub>) emissions.....25  
 Sulfur oxide (SO<sub>2</sub>) emissions.....25  
 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. Mutual Materials shall maintain records of information necessary to document any reported emissions or demonstrate that the emissions were less than the above amounts. [Puget Sound Clean Air Agency Regulation I, Section 7.09(a), 9/10/98]

Mutual Materials 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 III, Section 1.11, 12/12/96; WAC 173-400-105, 9/20/93, WAC 173-400-105, 2/10/05 State/Puget Sound Clean Air Agency only]

**5. Summary of “Routine” required reports**

| Name of Report                        | Reqmt | Due date(s)   | Certification requirement  |
|---------------------------------------|-------|---|--|
| Monthly Deviation Report              | V.Q.1 | 30 days after the end of the month deviation occurs | May certify each report, but normal practice is to summarize and certify DevReps in semiannual Certification of Reports as per V.Q.2 |
| Certification of Reports (semiannual) | V.Q.2 | July 30 and January 30 <sup>†</sup>                 | Yes, in accordance with V.Q.3  |
| Annual Compliance Certification       | V.M   | Annually, January 30 <sup>†</sup>                   | Yes, in accordance with V.Q.3  |
| Emission inventory statement          | V.Q.4 | Annually  | Certify in semiannual Certification of Reports as per V.Q.2  |

<sup>†</sup> After transitional period is completed.

**R. Emergencies**

An emergency, as defined in WAC 173-401-645(I), 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 Mutual Materials can identify the cause(s) of the emergency;
- (2) Mutual Materials was at the time being properly operated;
- (3) During the period of the emergency Mutual Materials took all reasonable steps to minimize levels of emissions that exceeded the emission standards or other requirements in the permit; and
- (4) Mutual Materials 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, Mutual Materials 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 Mutual Materials wants the Puget Sound Clean Air Agency to consider unavoidable and excusable under WAC 173-400-107, Mutual Materials shall report as required by Section V.Q.1. of this permit the following:

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

[WAC 173-400-107(2), 9/20/93]

**T. Need to halt or reduce activity not a defense**

It shall not be a defense for Mutual Materials 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**

- (1) Mutual Materials 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;
  - (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.
- (2) Mutual Materials 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]
- (3) Any certified technician employed by Mutual Materials shall keep a copy of their certification at their place of employment. [40 CFR §82.166(1)]
- (4) Mutual Materials 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. [RCW 70.94.970(2) and (4), 11/12/97 State/Puget Sound Clean Air Agency only]
- (5) Mutual Materials shall not sell, offer for sale, or purchase any of the following:
  - (a) A regulated refrigerant in a container designed for consumer recharge of a motor vehicle air conditioning system or consumer appliance during repair or service. This subsection does not apply to a regulated refrigerant purchased for the recharge of the air conditioning system of off-road commercial or agricultural equipment and sold or offered for sale at an establishment which specializes in the sale of off-road commercial or agricultural equipment or parts or service for such equipment; or
  - (b) Nonessential consumer products that contain chlorofluorocarbons or other ozone-depleting chemicals, and for which substitutes are readily available. Products affected under this subsection shall include, but are not limited to, party streamers, tire

inflators, air horns, noise makers, and chlorofluorocarbon-containing cleaning sprays designed for noncommercial or non-industrial cleaning of electronic or photographic equipment.

[RCW 70.94.980, 1991 c199 p603.]

#### ***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; RCW 70.94.031 State/Puget Sound Clean Air Agency only]

#### ***W. Risk management programs***

In accordance with 40 CFR Part 68, Mutual Materials shall comply with the following requirements no later than June 20, 1999:

- (1) Determine rule applicability and program eligibility requirements in accordance with the procedures described in 40 CFR 68.10 and 40 CFR 68.115.
- (2) Submit a certification statement to the Puget Sound Clean Air Agency that Mutual Materials is in compliance with or exempt from all the requirements of 40 CFR Part 68, including registration (40 CFR 60.160) and submission of the risk management plan (40 CFR 68.150 to 68.185).

[40 CFR 68.10, 1/6/99]

#### ***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, Mutual Materials 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 Mutual Materials are subject to all applicable requirements set forth in Sections I.A, III and IV. This permit does 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 and their incorporation into this permit. Compliance with Puget Sound Clean Air Agency Regulation I, Sections 7.09(b) and 9.20 as defined in the terms of this permit, 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, Mutual Materials 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, Mutual Materials 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.** Mutual Materials 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 Mutual Materials 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 Mutual Materials a renewal application shall not relieve Mutual Materials 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 Mutual Materials' 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 Mutual Materials or for cause. The Puget Sound Clean Air Agency shall provide at least thirty days written notice to Mutual Materials 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 Mutual Materials 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 Mutual Materials 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) **Definition.** 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 Mutual Materials;
  - c) Requires more frequent monitoring or reporting by Mutual Materials;
  - 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) Mutual Materials 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) Mutual Materials 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 174-401-200(35);
  - 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) Mutual Materials 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. Mutual Materials 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, Mutual Materials is authorized to make section 502(b)(10) changes (as defined in WAC 173-401-200(30)) 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, Mutual Materials 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 Mutual Materials 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 Mutual Materials 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 Mutual Materials 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**

- (1) Mutual Materials 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.
- (2) Each such change shall meet all applicable requirements and shall not violate any existing permit term or condition.
- (3) Mutual Materials 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.
- (4) The change shall not qualify for the permit shield under WAC 173-401-640.
- (5) Mutual Materials shall keep a record describing changes made at Mutual Materials 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.
- (6) When making a change under this section, Mutual Materials 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.
  - (a) 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 Mutual Materials has assumed to avoid an applicable requirement to which Mutual Materials would otherwise be subject. Such terms and conditions include:
    - (I) A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of Title I of the FCAA; and
    - (II) 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) Mutual Materials' 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) Mutual Materials' ability to make change. Mutual Materials 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 Mutual Materials 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), Mutual Materials must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, Mutual Materials need not comply with the existing permit terms and conditions it seeks to modify. However, if Mutual Materials 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 Mutual Materials 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 Mutual Materials 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 determine 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 Mutual Materials 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 Mutual Materials 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 Mutual Materials, 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]

| Requirement  | Adoption or Effective Date     | Description and Reason for Inapplicability   |
|--|--------------------------------|--|
| WAC 173-400-050(2)                                       | 3/22/91                        | Requirement to limit carbonyls emissions to 100 ppmv from incinerators. Mutual Materials does not have any incinerators and will need a notice of construction to install one.   |
| WAC 173-400-075  | 10/14/96                       | Emission standards for sources emitting HAPs. Mutual Materials does not have any of the facilities listed and would have to get approval from the Puget Sound Clean Air Agency to install such equipment.  |
| WAC 173-400-101  | 3/22/95                        | Registration requirements. Operating permit sources are exempt from registration.  |
| WAC 173-434  | 10/18/90                       | Solid Waste Incinerator Facility rules. Mutual Materials does not have any solid waste incinerators and would need a permit to install one.  |
| WAC 173-490-030  | 3/22/91                        | Registration and Reporting for some VOC sources. Operating permit sources are exempt from registration under RCW 70.94.161(17).  |
| 40 CFR 58  | At the time of permit issuance | EPA ambient AQ surveillance. These do not apply to sources.  |
| 40 CFR Part 60:<br>Subpart K<br>Subpart Ka<br>Subpart Kb | 6/11/73<br>5/18/78<br>7/23/84  | Standards of Performance for VOC Storage Vessels. Mutual Materials does not have any storage tanks with a storage capacity of 40 m <sup>3</sup> (10,570 gal) or greater and would need to get approval from the Puget Sound Clean Air Agency to install such a tank. |

## **IX. APPENDIXES**

### **A. Non-EPA Test Methods**

Puget Sound Clean Air Agency Method 5

Ecology Method 9A

### **B. Puget Sound Clean Air Agency Regulation I Article 12**

Puget Sound Clean Air Agency Board Resolution 644 passed and approved August 10, 1989.