Alaska Department of Environmental Conservation
Air Permits Program

Public Comment - July 15, 2010

Westward Seafoods, Inc.
Westward Dutch Harbor Seafood Processing Facility

STATEMENT OF BASIS
of the terms and conditions for
Permit No. AQ0433TVP02

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INTRODUCTION

This document sets forth the statement of basis for the terms and conditions of Operating Permit No. AQ0433TVP02.

STATIONARY SOURCE IDENTIFICATION

Section 1 of Operating Permit No. AQ0433TVP02 contains information on the stationary source as provided in the Title V permit application.

The stationary source is owned and operated by Westward Seafoods, Inc. and the Permittee for the stationary source's air quality control operating permit. The SIC code for this stationary source is 2092.

The Westward Dutch Harbor Seafood Processing Facility is located in Dutch Harbor, Alaska. The facility processes surimi (from pollock), whitefish fillets, frozen and salt cured cod, pollock roe, cod milt, king and opilio tanner crab, fish meal, bone meal, and fish oil. The key buildings and structures comprising the facility are the powerhouse, the seafood and crab processing plants, the surimi plant and surimi warehouse, the cold storage building, a fish oil storage tank, two general purpose warehouses, the fish meal plant, and associated bunkhouses and apartment units to house facility personnel.

To support facility operations, Westward operates three 2,220 kW Wartsila diesel electric generator sets (EU IDs 1 through 3) to provide power for the facility and two 29.3 MMBtu/hr Clever-Brooks boilers (EU IDs 4 and 5) to provide steam and heat for the entire facility, including hotel load, fish meal cooking and drying, and processing. Exhaust gases from all these five emission units at the facility are ducted into a single stack. Figure 2 presents an aerial photograph showing layout of Westward Dutch Harbor Seafood Processing Facility.

Seafood Processing:

Pollock accounts for the greatest volume of landed raw product and is primarily processed into surimi, a fish protein gel. The surimi is packaged and held in frozen storage for shipment. Non-pollock finfish are processed as whole fish or fillets, and crab are processed as whole leg and shoulder sections. Canning is not conducted. Finfish and shellfish are also held in frozen storage for shipment.

Processing generates substantial volumes of fish waste. The waste is processed into dry fish meal in the meal reduction plant. The activities of reduction include cooking, mechanical dehydration and contact drying.

Mechanical dehydration produces (a) solids fraction, which is introduced directly to plate contact driers, and (b) a liquid fraction.

The liquid fraction undergoes additional separation for the recovery of (a) fish oil, which may be burned as boiler fuel or sold as a market commodity, and (b) tissue water, which contains soluble proteins. These proteins are recovered by partial evaporation of the tissue water. The process makes use of dryer waste heat in the form of the dryer product vapors. Meal dryer product vapors are ducted directly to the evaporators. The vapors condense in the evaporator heat exchangers, providing heat for the process. The liquid condensate is discharged. Prior to their

release to the atmosphere, the residual vapors are passed through a seawater spray scrubber, which removes aromatic organic compounds and residual particulates from the exhaust stream.

Power Generation:

Westward operates an inventory of fossil fuel-burning equipment required to generate the electrical power and steam to operate the Westward Dutch Harbor Seafood Processing Facility. Westward is isolated from the local Unalaska utility distribution system. The Applicant must use internal combustion engines to generate all the electric power required to conduct their seafood processing operations. These internal combustion engines that drive the electric generators are the primary source of the Applicant's NO_X emissions, accounting for more than 95 percent of the facility's NO_X emissions.

Facility Operations:

The seafood processing industry in Alaska is inherently seasonal. The facility operates continuously 8 to 10 months out of the year. Operations are generally reduced from April 15 to August 15 and from November 1 to December 31 each year for maintenance and repair. The facility operates 24 hours a day and 7 days a week. During the peak service periods the facility must constantly balance the operation of the Wartsila electric generator sets in their powerhouse to match their prevailing power demands, as well as perform all maintenance and repairs required to keep the generator sets available for service.

The applicant identified no alternative modes of operation that change the air pollution control requirements applicable to the facility.

EMISSION UNIT INVENTORY AND DESCRIPTION

Under 18 AAC 50.326(a), the Department requires operating permit applications to include identification of all emissions-related information, as described under 40 C.F.R. 71.5(c)(3).

The emission units at the Westward Dutch Harbor Seafood Processing Facility that are classified and have specific monitoring, recordkeeping, and reporting requirements are listed in Table A of Operating Permit No. AQ0433TVP02. Table A of Operating Permit No. AQ0433TVP02 contains information on the emission units regulated by this permit as provided in the application. The table is provided for informational and identification purposes only. Specifically, the emission unit rating/size provided in the table is not intended to create an enforceable limit.

EMISSIONS

A summary of the potential to emit (PTE)[1] and assessable PTE as indicated in the Technical Analysis Report for the Westward Dutch Harbor Seafood Processing Facility Air Quality Control Construction Permit No. 433CP01 is shown in the table below.

[1] *Potential to Emit* or *PTE* means the maximum capacity of a stationary source to emit a pollutant under its physical or operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source, as defined in AS 46.14.990(23), effective 12/3/05.

Table B - Emissions Summary, in Tons Per Year (TPY)

Pollutant	NO_X	CO	PM-10	SO_2	VOC	HAPs	Total
PTE	594	64	26	114	32	0.40	830
Assessable PTE	594	64	26	114	32	0	830

The assessable PTE listed under Condition 36.1 is the sum of the emissions of each individual regulated air pollutant for which the stationary source has the potential to emit quantities greater than 10 TPY. The emissions listed in Table A are estimates that are for informational use only. The listing of the emissions does not create an enforceable limit to the stationary source.

For criteria pollutants, emissions are as provided in the application, as follows: Nitrogen oxides (NO_X), Carbon monoxide (CO), Particulate matter sized less than 10 microns (PM_{10}), Sulfur dioxide (SO_2), and Volatile organic compounds (VOC).

The Department calculated HAP emissions using AP-42, Volume I, Fifth Edition.

BASIS FOR REQUIRING AN OPERATING PERMIT

In accordance with AS 46.14.130(b), an owner or operator of a Title V source[2] must obtain a Title V permit consistent with 40 C.F.R. Part 71, as adopted by reference in 18 AAC 50.040.

Except for sources exempted or deferred by AS 46.14.120(e) or (f), AS 46.14.130(b) lists three categories of sources that require an operating permit:

- A major source;
- A stationary source including an area source subject to federal new source performance standards under Section 111 of the Clean Air Act or national emission standards under Section 112 of the Clean Air Act;
- Another stationary source designated by the federal administrator by regulation.
- This stationary source requires an operating permit because it is classified under 18 AAC 50.326(a) and 40 C.F.R. 71.3(a) as A major stationary source as defined in Section 302 of the Clean Air Act that directly emits, or has the potential to emit, 100 TPY or more of any air pollutant.

AIR QUALITY PERMITS

Previous Air Quality Permit to Operate

The most recent permit issued for this stationary source is Permit to Operate No. 9425-AA011. This permit-to-operate included all construction authorizations issued through June 15, 1994, and was issued before January 18, 1997 (the effective date of the new divided Title I/Title V permitting program). All stationary source-specific requirements established in this permit are included in the new operating permit as described in Table C.

[2] *Title V source* means a stationary source classified as needing a permit under AS 14.130(b) [ref. 18 AAC 50.990(111)].

Title I (Construction and Minor) Permits

The Department issued Construction Permit No. 433CP01 to this stationary source on October 10, 2003. Westward requested an informal Director Review of the decision. In consideration of the February 9, 2004 review findings, the Department issued an administrative revision to this construction permit on February 13, 2004 based upon stack parameter changes and a more stringent fuel sulfur restriction. The Department established stationary source-specific requirements through this Title I permit decision. The Department carried forward those requirements into the renewal operating permit as described in Table D of this Statement of Basis.

Title V Operating Permit Application, Revisions and Renewal History

The owner or operator submitted an application for these activities on September 1998. The Department issued Operating Permit No. AQ0433TVP01 on November 28, 2003.

Revision No. 1: Permit Section 6, Condition 14 was revised to incorporate the stack revision (option1) submitted by Westward on February 20, 2004. The Department also lowered the 0.24 percent (by weight) fuel sulfur limit to 0.23 percent, as requested by Westward on January 13, 2004 and as needed to protect the sulfur dioxide ambient air quality standards and Class II maximum allowable increases (increments). The Department also incorporated several clarifications in Section 5, as requested by Westward on October 29, 2003.

The owner or operator submitted a permit renewal application on June 26, 2008. The owner or operator replaced the application with a revised application on August 25, 2008. The Department received additional information on August 29, 2008.

COMPLIANCE HISTORY

The stationary source has operated at its current location since 1990. Review of the permit files for this stationary source, which includes the past inspection reports and compliance evaluations indicate a stationary source has had several emission and procedural compliance problems with its operating permit.

- On May 27, 2009, the Department finalized a full compliance evaluation covering the period July 1, 2007 through February 28, 2009. The full compliance evaluation included an on-site inspection which was conducted on February 12, 2009. The Department identified compliance issues with lack of fuel records for truck shipped fuel, a 24 hour event at which time EU No.3 was operating at a generator load greater than 30% while the Charged Air Saturation System (CASS) was inoperable, fuel meters do not have regularly scheduled calibrations, a source test was not conducted prior to deadline in permit, RO failed to certify FOR reports.
- On September 28, 2007, the Department finalized a full compliance evaluation covering the period September 1, 2005 through June 30, 2007. The Department identified compliance issues with burning fuel that exceeded 0.23 sulfur content, 14 events when the CASS was temporarily inoperable, stack diameter measurements were not submitted by deadline, FORs submitted by WSI for February 1, 2006, August 1, 2006, February 1, 2007 and August 1, 2007 failed to include a statement that no complaints were received, WSI failed to respond in a timely manner in providing the information requested in NOV No. 2005-1092-40-5237, and failure to submit timely reports.

- On March 2, 2006 the Department issued Notice of Violation (NOV) No. 2005-1092-40-5237 with a deadline to submit the information requested in the Department's compliance letter of September 13, 2005 and the semiannual FOR that was due on February 1, 2006 by March 15, 2006. The Department did not receive information requested. On July 14, 2006 the U.S. Environmental Protection Agency (EPA) assumed the lead enforcement role for the events listed in ADEC's NOV. EPA Region 10 sent a Federal NOV to Westward Seafoods, Inc. on April 19, 2007. The settlement of the Federal NOV is still under negotiation between EPA Region 10 and WSI.
- On June 3, 2005, the Department issued Compliance Letter No. 2005-0333-37-4386 upon receipt of excess emission notifications submitted by the Westward on May 12, 2005. Westward stated that used oil and diesel fuel burned at the stationary source from periods between October 2003 and March 2004 exceeded the sulfur limitations set by Conditions 6 and 16.1a of the permit (Westward submitted one additional notification on May 26, 2005 for a December 3, 2004 fuel delivery). All notifications were filed late per Condition 56. Westward stated that they would work with the fuel vendor to confirm fuel was mixed and tested properly. In addition, Westward is working with the vendor to be sure blended fuel sulfur content is calculated correctly on a weight basis rather than volume basis.
- On March 16, 2005, the Department issued NOV No. 2004-0823-40-4141 for failing to reply to the Department's September 24, 2004 Compliance Letter No. 2004-0823-37-3860 and for failing to submit required stationary source operating reports per Condition 58 of Permit No. AQ0433TVP01. The Department requested a response by April 1, 2005. On May 12, May 16, and June 10, 2005, the Department received the requested information.
- On September 24, 2004, the Department issued Compliance Letter No. 2004-0823-37-3860 to obtain missing information from Westward's September 14, 2004 response. Specifically, the Department requested an excess emission form for the sulfur limit exceedance of Condition 8.1 and 11.1 of Permit No. 433CP01, a completed and signed access control plan including photographs of required signs per Condition 12 of Permit No. AQ0433TVP01, and as-built engineering drawings of stack parameters as required by July 1, 2004 per Condition 14.6 of Permit No. AQ0433TVP01. The Department requested a response by October 29, 2004.
- On August 25, 2004, the Department issued NOV No. 2004-0667-40-3807 for failing to respond to the Department's May 13, 2004 Compliance Letter No. 2004-0667-37-3755. The Department requested a response by September 17, 2004. On September 14, 2005, Westward replied and submitted some of the information requested.

APPLICABLE REQUIREMENTS FROM PRE-CONSTRUCTION PERMITS

Incorporated by reference at 18 AAC 50.326(j), 40 C.F.R. Part 71.6 defines "applicable requirement" to include the terms and conditions of any pre-construction permit issued under rules approved in Alaska's State Implementation Plan (SIP).

Alaska's SIP included the following types of pre-construction permits:

- Permit-to-operate issued before January 18, 1997 (these permits cover both construction and operations);
- Construction Permits issued after January 17, 1997; and

- Minor permits issued after October 1, 2004.

Pre-construction permit terms and conditions include both source-specific conditions and conditions derived from regulatory applicable requirements such as standard conditions, generally applicable conditions and conditions that quote or paraphrase requirements in regulation.

These requirements include, but not limited to, each emission unit- or source-specific requirement established in these permits issued under 18 AAC 50 that are still in effect at the time of this operating permit issuance. Table C and Table D below lists the requirements carried over from Permit to Operate No. 9425-AA011 and Construction Permit No. 0433CP01 into Operating Permit No. AQ0433TVP02 to ensure compliance with the applicable requirements.

Table C - Comparison of Previous Permit AQ0433TVP01 Conditions to Operating Permit No. AQ0433TVP02 Conditions[3]

Permit No. AQ0433TVP01 Rev 1 Condition No.	Description of Requirement	Permit No. AQ0433TVP02 Condition No.	How Condition was Revised
Section 2 and 3	Authority for permit and source list	Section 2, SOB	Same information, different format
1 & 2	Assessable Emissions	36	Revised with current Permit template language
3 - 4	State Standards for Visible Emission, Particle Matter and Sulfur	1 through 11	Revised with current Permit template language
5	Burn diesel with a sulfur content not more than 0.5%	11	State Sulfur Standard
6	Distillate fuels and blends not to exceed 0.23%	12	Ambient Air protection limit. Fuel sulfur not to exceed 0.23%
7 -10	NSPS Subpart A	20 through 23	Revised wording with current Permit template language
11	NSPS Dc requirements for EU ID 4 and 5	24	Permittee shall emit less than 0.5 lb SO_2/MMBtu of fuel combusted
12 – 14	Ambient Air Protection	12 through 14	Incorporates the Construction Permit Ambient Air requirements..
15 - 17	Construction Permit BACT requirements.	16 through 18	Same information, wording and format. Fuel sulfur requirements references the Ambient Air sulfur standard
18	COBC requirements	None	COBC not part of the current permit
19 – 27	State standards for liquid fuel fired emission units	1 through 11	Replaced with standard condition

[3] This table does not include all standard and general conditions.

Permit No. AQ0433TVP01 Rev 1 Condition No.	Description of Requirement	Permit No. AQ0433TVP02 Condition No.	How Condition was Revised
28	Facility-wide requirements Applicability Determinations	46	Same information
29	Chemical Accident Prevention	31	Expanded with 40 C.F.R. 68 Subpart G language
30 through 33	Insignificant source requirements	19	Same information
34 through 42	Generally Applicable Requirements	38 through 45	Now under general requirements of Section 5
43	Permit Renewal	Section 8	Now under Permit Changes and Renewal
44-51	Source Test requirements	Section 6	Same Information
52 -59	General Recording Keeping, Reporting, and Compliance	Section 7	Same Information
60 - 66	Standard Conditions not otherwise included in the Permit	Section 9	Same Information

Table D - Comparison of Construction Permit No. 0433CP01 Conditions to Operating Permit No. AQ0433TVP02 Conditions[4]

Permit No. 0433CP01 Condition No.	Description of Requirement	Permit No. AQ0433TVP02 Condition No.	How Condition was Revised
Section 1	Identification	Section 1	Same information
Section 2	Permit continuity	Tables C and D in Statement of Basis	Same information
Section 3	Emission information	Table B in Statement of Basis	Same information
Section 4	Source inventory	Section 2	Same information
4 and 5	Ambient Air	None	One time requirement, the Permittee has implemented the ambient air requiremnts
6 and 7	Access Control Plan and No Trespassing Signs	13 and 14	Same information
8	SO_2 Requirements	12	Same information
9	Stack Parameters	15	Ongoing maintenance that must be met by the Permittee

[4] This table does not include all standard and general conditions.

Permit No. 0433CP01 Condition No.	Description of Requirement	Permit No. AQ0433TVP02 Condition No.	How Condition was Revised
10 through 12	NO_X BACT, SO_2 BACT, and PM Requirements	16, 17, and 18	Same limits. Supplements were made to the periodic emission source testing.
13	Good Air Pollution practice	38	Same information
14	40 C.F.R. 60, Subpart A	20, 21, 23	Same information
15	40 C.F.R. 60, Subpart Dc	24	Same information
16, 17, and 18	State emissions standards	1 through 11	Detail specific to EU IDs 1 through 5. Used updated standard permit condition promulgated November 2008.
Section 9	Generally applicable requirements	Section 5	Administrative Fees, Assessable Emissions, Assessable Emission Estimates. Added dryer evaporator vent provisions for seawater scrubbing under 18 AAC 50.110.
Section 10	General Source Testing	Section 6	Same information
Section 11	Recordkeeping, Reporting, and Compliance Certification	Section 7	Same information. Updated standard permit conditions consistent with November 2008 standard condition rulemaking.
Section 12	Standard conditions not otherwise included	Section 5	Same information. Updated standard permit conditions consistent with November 2008 rulemaking.
Section 13	Visible Emissions	1 through 4	Same information
Section 14	Visible emission forms	Section 10	Same information
Section 15	ADEC Notification form	Section 12	Updated form consistent with 2004 standard permit condition rulemaking.
Section 16	Permit documentation	None	Not required in operating permit

STATEMENT OF BASIS FOR THE PERMIT CONDITIONS

The state and federal regulations for each condition are cited in Operating Permit No. AQ0433TVP02. The Statement of Basis provides the legal and factual basis for each term and condition as set forth in 40 C.F.R. 71.6(a)(1)(i).

Conditions 1 - 4 and Section 11, Visible Emissions Standard and MR&R

Legal Basis: These conditions ensure compliance with the applicable requirements in 18 AAC 50.050(a) and 18 AAC 50.055(a).

- 18 AAC 50.055(a) applies to the operation of fuel-burning equipment and industrial processes. EU ID(s) 1-5 and 7 are fuel-burning equipment.

U.S. EPA incorporated these standards as revised in 2002 into the SIP effective September 13, 2007.

Factual Basis: Condition 1 prohibits the Permittee from causing or allowing visible emissions in excess of the applicable standard in 18 AAC 50.055(a)(1).

Visible emission monitoring, recordkeeping, and reporting scheme is the same for both applicable requirements. The Permittee must monitor, record, and report emissions in accordance with Conditions 2 through 4 of the permit.

Conditions 2 through 4 MR&R conditions are standard conditions adopted into regulation pursuant to AS 46.14.010(e).

The Department has previously determined that the standard conditions adequately meet the requirements of 40 C.F.R. 71.6(a)(3). No additional emission unit or stationary source operational or compliance factors indicate the unit-specific or stationary-source-specific conditions would better meet the requirements. Therefore, the Department concludes that the standard conditions as modified meet the requirements of 40 C.F.R. 71.6(a)(3).

Liquid Fuel-Fired Burning Equipment:

Monitoring – The visible emissions may be observed by either Method-9 or the Smoke/No Smoke plans as detailed in Condition 2. Corrective actions such as maintenance procedures and either more frequent or less frequent testing may be required depending on the results of the observations.

Recordkeeping – The Permittee is required to record the results of all visible emission observations and record any actions taken to reduce visible emissions. If using method 9, the Permittee is further required to use the Form in Section 11.

Reporting – The Permittee is required to report: 1) emissions in excess of the federal and the state visible emissions standard and 2) deviations from permit conditions. The Permittee is required to include copies of the results of all visible emission observations with the stationary source operating report.

Meal Plant Drier

Monitoring – The meal dryer is subject to the visible emissions standards. The Permittee may use the EPA Reference Method-9 or the Smoke/No-Smoke monitoring options under Condition 2.

Reporting – The Permittee shall state compliance for the meal dryer in meeting the state standard in the annual compliance certification. The Permittee shall report as a permit deviation operating conditions as noted in Condition 42.6.b but is not required to report in each Operating Report on routine compliance.

Recordkeeping – There are no record keeping requirements for visible emission requirements except those contained in Condition 42.6. However, the Permittee should maintain documentation that the meal dryer has not violated the State standard.

Conditions 5 -10, Particulate Matter (PM) Standard

Legal Basis: These conditions ensure compliance with the applicable requirement in 18 AAC 50.055(b). This requirement applies to operation of all industrial processes and fuel burning equipment in Alaska.

- EU ID(s) 1 through 5 and 7 are fuel-burning equipment or industrial processes.

These PM standards also apply because they are contained in the federally approved SIP effective September 13, 2007.

Factual Basis: Condition 5 prohibits emissions in excess of the state PM (also called grain loading) standard applicable to fuel-burning equipment and industrial processes. The Permittee shall not cause or allow fuel-burning equipment nor industrial processes to violate this standard.

MR&R requirements are listed in Conditions 6 through 10 of the permit.

The applicant assured compliance with the grain loading emission standard for EU ID(s) 1 through 5 by providing vendor specifications. The results can be seen below.

Table E: Particulate Matter Emissions

EU ID	PM Emission Rate	Reference	Grain Loading Results
1 through 3	0.31 gm/kW-hr	Wartsila Data	0.022 gr/dscf
4 & 5	0.025 lb/MMBtu	Cole Industrial Data	0.015 gr/dscf

Based upon this analysis, the Department concurs that the units should comply with the State emission standards for particulate matter under normal operations. Westward shall conduct particulate matter source tests when visible emissions are excessive. The standard source testing conditions also call for Westward to conduct particulate matter tests upon Department request.

Liquid Fuel-Fired Burning Equipment:

For liquid fuel units, the MR&R conditions are the relevant sections of Standard Permit Condition IX adopted into regulation pursuant to AS 46.14.010(e). The Department determined that these standard conditions adequately meet the requirements of 40 C.F.R. 71.6(a)(3). No emission unit or stationary source operational or compliance factors indicate that unit-specific or stationary-source specific conditions would better meet these requirements. Therefore, the Department concluded that the standard conditions meet the requirements of 40 C.F.R. 71.6(a)(3).

Condition 11, Sulfur Compound Emissions

Liquid Fuels:

Legal Basis: This condition requires the Permittee to comply with the sulfur compound emission standard for all fuel-burning equipment and industrial processes in the State of Alaska. EU ID(s) 1 through 5 are fuel-burning equipment and industrial processes.

These sulfur compound standards also apply because they are contained in the federally approved SIP effective September 13, 2007.

Factual Basis: All fuel burning equipment are subject to the sulfur compound emission standard as set out in 18 AAC 50.0055(c). Sulfur compound emissions from fuel burning equipment, expressed as sulfur dioxide, may not exceed 500 ppm averaged over a period of three hours.

The equipment at the Westward Dutch Harbor Seafood Processing Facility will burn a diesel and Jet-A blend, used oil, or fish oil with s sulfur content no greater than 0.23 percent by weight. The applicant ensures compliance with the sulfur compound emission standard for EU IDs 1 through 5 as shown in Table F.

Table F: Sulfur Compound Emission Estimate

EU ID	Reference	Results
1 through 3	Mass Balance w/ 0.23% S	<56 ppmv
4 & 5	Mass Balance w/ 0.23% S	<122 ppmv

The Department incorporates by reference the monitoring, record keeping and reporting of Condition 12.1.

Conditions 12 through 18, Pre-Construction Permit Requirements

Legal Basis: The Permittee is required to comply with all effective stationary source-specific requirements that were carried forward from previous EPA PSD permits, SIP approved permits to operate issued before January 18, 1997, SIP approved construction permit(s), SIP approved minor permits, operating permits issued between January 18, 1997 and September 30, 2004, or owner requested limits established under 18 AAC 50.225. These requirements include Best Available Control Technology limits, limits to ensure compliance with the attainment or maintenance of ambient air quality standards or maximum allowable ambient concentrations, and owner requested limits. State pre-construction requirements apply because they were originally developed through case-by-case action under a federally approved SIP or approved Operating Permit program. EPA approved the latest SIP effective September 13, 2007.

Factual Basis: The Department's goal for the best available control technology (BACT) review is to evaluate available technologies, identify BACT for the project's emission units, and establish emission or operational limits which represent BACT. This review is conducted in accordance with State and federal rules and guidelines. The Department evaluates the available control technologies for each emission unit and selects BACT. In addition, the Department assesses the level of monitoring, recordkeeping, and reporting necessary to ensure the applicant applies BACT.

Under the State of Alaska's PSD Provisions of the Air Quality Control Regulations, an applicant subject to pre-construction review must show that BACT will be installed and used for each new or modified unit. BACT is defined as an emission limit that represents the maximum reduction achievable for each regulated air contaminant subject to pre-construction review under the PSD provisions of the Clean Air Act (CAA). For this project, BACT evaluation is required for the contaminants: NO_X, SO_2, and PM_{10}.

All BACT requirements, with limits, monitoring, recordkeeping, and reporting obligations are incorporated in Section 3 of the permit. The Department has elected to streamline this renewal permit by imposing cross references to the State visible emission standard for the surrogate BACT particulate matter limit and to the ambient air quality limit for fuel sulfur content BACT surrogate for SO_2 limit. Table G below summarizes the BACT limits.

Table G: Department BACT Limits

EU ID	NO_X Limits	SO_2 Limits	PM Limits
1 through 3	42.3 lb/hr	Fuel - 0.23% Sulfur	good combustion practices; Surrogate 20% opacity standard
4 and 5	4.4 lb/hr	Fuel - 0.23% Sulfur	good combustion practices, Surrogate 20% opacity standard
6	N/A	N/A	N/A

Based upon a review of the most recent source test conducted March 2009, the Department allowed a 5 year re-testing schedule for EU IDs 1 – 3 based on emissions verified by source test that are less than 87% of the NO_X limit of Condition 16.1.a. However for EU IDs 4 – 5, the results of the source test show compliance at or greater than 100% of the NO_X limit by Method 19 source test. For this reason the boilers are both required to be re-tested within a year of the permit issuance, and then every two years until compliance below the limit of Condition 16.2.a is achieved.

Conditions 19, Insignificant Emission Units

Legal Basis: The Permittee is required to meet state emission standards set out in 18 AAC 50.055 for all industrial processes fuel-burning equipment, and incinerators regardless of size.

Factual Basis: The conditions re-iterate the emission standards and require compliance for insignificant emission units. The Permittee may not cause or allow their equipment to violate these standards. Insignificant emission units are not listed in the permit unless specific monitoring, recordkeeping and reporting are necessary to ensure compliance.

The Department finds that the insignificant units at this stationary source do not require specific monitoring, recordkeeping and reporting to ensure compliance under these conditions.

Condition 19.4.a requires certification that the units did not exceed state emission standards during the previous year and did not emit any prohibited air pollution.

Conditions 20 –23, NSPS Subpart A Requirements

Legal Basis: The Permittee must comply with those New Source Performance Standard (NSPS) provisions incorporated by reference the NSPS effective July 1, 2007, for specific industrial activities, as listed in 18 AAC 50.040[5].

Most affected facilities (with the exception of some storage tanks) subject to an NSPS are subject to Subpart A. At this stationary source, EU ID(s) 4 and 5 are subject to NSPS Subpart Dc and therefore subject to Subpart A. The Permittee has already complied with the notification requirements in 40 C.F.R. 60.7 (a)(1) - (4) for EU ID(s) 4 and 5. However, the Permittee is still subject to these requirements in the event of a new NSPS affected facility[6] or in the event of a modification or reconstruction of an existing facility[7] into an affected facility.

Likewise, the requirements to notify the EPA and the Department of the date of a continuous monitoring system performance demonstration, no less than 30 days before demonstration commences (40 C.F.R. 60.7(a)(5) – (7)) are applicable to EU ID(s) 4 and 5 only if a CMS is installed as an NSPS requirement.

The requirements to notify the EPA and the Department of any proposed replacement of components of an existing facility (40 C.F.R. 60.15) apply in the event that the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable entirely new facility.

Condition 20 - Start-up, shutdown, or malfunction record maintenance requirements in 40 C.F.R. 60.7(b) are applicable to all NSPS affected facilities subject to Subpart A.

Recordkeeping requirements in 40 C.F.R. 60.7(f) are applicable to all NSPS affected facilities. (Satisfied by Condition 59)

Condition 21 - Good air pollution control practices in 40 C.F.R. 60.11 are applicable to all NSPS affected facilities subject to Subpart A (EU ID(s) 4 and 5).

Condition 22 - states that any credible evidence may be used to demonstrate compliance or establishing violations of relevant NSPS standards for EU ID(s) 4 - 5.

Condition 23 - Concealment of emissions prohibitions in 40 C.F. R. 60.12 are applicable to EU ID(s) 4 and 5.

Condition 24, NSPS Subpart Dc Requirements

Legal Basis: The NSPS applies to steam generating units for which construction, modification, or reconstruction commenced after June 9, 1989 and have maximum design heat input capacities of 29 MW (100 MMBtu/hr) or less, but greater than or equal to 2.9 MW (10 MMBtu/hr). EU ID(s) 4 and 5 were constructed in 1991, and have maximum design heat input capacities of 29.3 MMBtu/hr; and are therefore subject to Subpart Dc.

[5] EPA has not delegated to the Department the authority to administer the NSPS program as of the issue date of this permit

[6] *Affected facility* means, with reference to a stationary source, any apparatus to which a standard applies, as defined in 40 C.F.R. 60.2, effective 7/1/07.

[7] *Existing facility* means, with reference to a stationary source, any apparatus of the type for which a standard is promulgated in this part, and the construction or modification of which was commenced before the date of proposal of that standard; or any apparatus which could be altered in such a way as to be of that type, as defined in 40 C.F.R. 60.2, effective 7/1/07.

EU ID(s) 4 and 5, when burning oil, are subject to the standard for SO_2 in 40 C.F.R. 60.42c(d). EU ID(s) 4 and 5 are not subject to the PM standard in 40 C.F.R. 60.43c because the emission units' maximum design heat input is less than 30 MMBtu/hr. In accordance with 40 C.F.R. 60.42c(h)(1), compliance with the emission limit or oil sulfur content limit for EU ID(s) 4 and 5 may be demonstrated by certification from the distillate fuel oil fuel supplier. However, there is no analogous provision for Jet A blends or used oil blends. Based upon the Department's review of 40 CFR 60.41(c), bio-fuels such as fish oil are not defined as "oil." The Department has no record of an alternative monitoring plan on file for the blended fuels. Therefore ,the Department added sulfur dioxide monitoring text for occasions during which Westward is burning other than distillate fuels as defined within this subpart (complies with the specifications for fuel oil numbers 1 or 2 as defined by ASTM).

Factual Basis: The conditions require the Permittee to comply with the Subpart Dc sulfur and PM standards. The Permittee may not cause or allow EU ID(s) 4 and 5 to violate these standards. The Permittee has two options for complying with SO_2 emissions: one is to comply with a sulfur emission limit and the other is to comply with a fuel sulfur limit.

Condition 24.1 describes monitoring required in the event that the owner seeks to demonstrate compliance with the SO_2 standard based on fuel supplier certification under 40 C.F.R. 60.46c(f) If the Permittee cannot obtain a fuel supplier certificate for blend fuels, the blended fuels should be tested. As an alternative, the Permittee can propose and gain approval from EPA for an Alternative Monitoring Plan.

Condition 25 - 30, Reciprocating Internal Combustion Engines (RICE) Emission Units Subject to NESHAP Subpart ZZZZ, EU IDs 1 through 3

Legal Basis: Applies because the Permittee operates one or more RICE emission unit as set forth in 40 C.F.R 63.6585.

Factual Basis: These conditions incorporate the Subpart ZZZZ work practice standards applicable to EU IDs 1, 2 and 3. The Permittee is required to operate and maintain the emission units according to the manufacturer's emission-related operation and maintenance instructions; or develop a custom plan, approved by the Department, which provides for the maintenance and operation of the emission units in a manner consistent with good air pollution control practice for minimizing emissions.

Westward Dutch Harbor Seafood Processing Facility is not accessible by the Federal Aid Highway System and is therefore exempt from numerical CO emission limitations, the fuel requirements of 40 C.F.R. 63.6604 and the requirement to install a crankcase ventilation or filtration system in 40 C.F.R. 63.6625(g).

Condition 31, Chemical Accident Prevention Provisions.

Legal Basis: Applies because the Permittee has more than a threshold quantity of a regulated substance in a process, as determined by 40 C.F.R 68.115.

Factual Basis: The Permittee utilizes greater than 10,000 pounds of anhydrous ammonia as refrigerant. The August 2008 application revision 1 Table 3, Page 9 states that Westward stores up to 80,000 lb of anhydrous ammonia for their chiller refrigeration system units (10).

Conditions 32 - 34, Standard Terms and Conditions

Legal Basis: These are standard conditions required under 18 AAC 50.345(a) and (e)-(g) for all operating permits. This provision is incorporated in the federally approved Alaska operating permit program of November 30, 2001, as updated effective November 9, 2008.

Factual Basis: These are standard conditions that apply to all permits.

Condition 35, Administration Fees

Legal Basis: This condition ensures compliance with the applicable requirement in 18 AAC 50.400-405 as derived from AS 46.14.130. This condition requires the Permittee, owner, or operator to pay administration fees as set out in regulation. Paying administration fees is required as part of obtaining and holding a permit with the Department or as a fee for a Department action.

Factual Basis: The owner or operator of a stationary source who is required to apply for a permit under AS 46.14.130 shall pay to the Department all assessed permit administration fees. The regulations in 18 AAC 50.400-405 specify the amount, payment period, and the frequency of fees applicable to a permit action.

Conditions 36 - 37, Emission Fees

Legal Basis: These conditions ensure compliance with the applicable requirement in 18 AAC 50.410-420. The regulations require all permits to include due dates for the payment of fees and any method the Permittee may use to re-compute assessable emissions.

Factual Basis: These emission fee conditions are Standard Permit Condition I under 18 AAC 50.346(b) adopted pursuant to AS 46.14.010(e). Except for the modification noted in the last paragraph of this "Factual Basis", the Department determined that these standard conditions adequately meet the requirements of AS 46.14.250. No emission unit or stationary source operational or compliance factors indicate that unit-specific or stationary-source specific conditions would better meet these requirements. Therefore, the Department concluded that the standard conditions meet the requirements of AS 46.14.250.

These standard conditions require the Permittee to pay fees in accordance with the Department's billing regulations. The billing regulations set the due dates for payment of fees based on the billing date.

The default assessable emissions are generally potential emissions of each air pollutant in excess of 10 tons per year authorized by the permit (AS 46.14.250(h)(1)(A)).

The conditions allow the Permittee to calculate actual annual assessable emissions based on previous actual annual emissions. According to AS 46.14.250(h)(1)(B), assessable emissions are based on each air pollutant. Therefore, fees based on actual emissions shall be paid on any pollutant emitted whether or not the permit contains any limitation of that pollutant.

This standard condition specifies that, unless otherwise approved by the Department, calculations of assessable emission based on actual emissions use the most recent previous calendar year's emissions. Since each current year's assessable emission are based on the previous year, the Department will not give refunds or make additional billings at the end of the current year if the estimated emissions and current year actual emissions do not match.

The Department modified the standard condition to correct Condition 37.2 such that it referenced "submitted" (i.e., postmarked) rather than "received" in accordance with the timeframe of Condition 37.1.

Condition 38, Good Air Pollution Control Practice

Legal Basis: This condition ensures compliance with the applicable requirement in 18 AAC 50.346(b)(5) and applies to all emission units EU IDs 1 – 3, 6 and 7, **except** those subject to federal emission standards, those subject to continuous emission or parametric monitoring, and for insignificant emission units, i.e., except EU ID(s) 1 through 3 after the compliance date of NESHAPS Subpart ZZZZ.

Factual Basis: The condition requires the Permittee to comply with good air pollution control practices for all units.

The Department adopted this condition under 18 AAC 50.346(b) as Standard Permit Condition VI pursuant to AS 46.14.010(e). The Department added the text "*EU IDs 1, 2, and 3 are subject to this condition only until the applicable compliance date as set forth in Condition 26.3*" because on the compliance date in Condition 26.3, EU IDs 1, 2 and 3 which are subject to NESHAPs Subpart ZZZZ will no longer be subject to this condition (as units subject to federal emission standards) and will instead be required to comply with Condition 28. Records kept in accordance with Condition 30 should be kept for 5 years in accordance with Condition 59 even if a unit is no longer subject to this condition.

The Department determined that this standard condition adequately meets the requirements of 40 C.F.R. 71.6(a)(3). No emission unit or stationary source operational or compliance factors indicate that unit-specific or stationary-source specific conditions would better meet these requirements. Therefore, the Department concluded that the standard condition meets the requirements of 40 C.F.R. 71.6(a)(3).

Maintaining and operating equipment in good working order is fundamental to preventing unnecessary or excess emissions. Standard conditions for monitoring compliance with emission standards are based on the assumption that good maintenance is performed. Without appropriate maintenance, equipment can deteriorate more quickly than with appropriate maintenance. If appropriate maintenance is not applied to the equipment, the Department may have to apply more frequent periodic monitoring requirements (unless the monitoring is already continuous) to ensure that the monitoring results are representative of actual emissions.

The Permittee is required to keep maintenance records to show that proper maintenance procedures were followed, and to make the records available to the Department. The Department may use these records as a trigger for requesting source testing if the records show that maintenance has been deferred.

Condition 39, Dilution

Legal Basis: This condition prohibits the Permittee from using dilution as an emission control strategy as set out in 18 AAC 50.045(a). This state regulation applies to the Permittee because the Permittee is subject to emission standards in 18 AAC 50.

Factual Basis: The condition prohibits the Permittee from diluting emissions as a means of compliance with any standard in 18 AAC 50.

Condition 40, Reasonable Precautions to Prevent Fugitive Dust

Legal Basis: This condition requires the Permittee to use reasonable precautions when handling, storing or transporting bulk materials or engaging in an industrial activity in accordance with the applicable requirement in 18 AAC 50.045(d). Bulk material handling requirements apply to the Permittee because the Permittee will engage in bulk material handling, transporting, or storing; or will engage in industrial activity at the stationary source.

Factual Basis: The condition requires the Permittee to comply with 18 AAC 50.045(d), and take reasonable action to prevent particulate matter (PM) from being emitted into the ambient air.

Condition 41, Stack Injection

Legal Basis: This condition ensures compliance with the applicable requirement in 18 AAC 50.055(g). It prohibits the Permittee from releasing materials other than process emissions, products of combustion, or materials introduced to control pollutant emissions from a stack (i.e. disposing of material by injecting it into a stack). Stack injection requirements apply to the stationary source because the stationary source contains a stack or unit constructed or modified after November 1, 1982.

Factual Basis: No specific monitoring for this condition is practical. Compliance is ensured by inspections, because the unit or stack would need to be modified to accommodate stack injection.

Condition 42, Air Pollution Prohibited

Legal Basis: This condition ensures compliance with the applicable requirement in 18 AAC 50.110. The condition prohibits the Permittee from causing any emission which is injurious to human health or welfare, animal or plant life, or property, or which would unreasonably interfere with the enjoyment of life or property. Air Pollution Prohibited requirements apply to the stationary source because the stationary source will have emissions.

Factual Basis: While the other permit conditions and emissions limitation should ensure compliance with this condition, unforeseen emission impacts can cause violations of this standard. These violations would go undetected except for complaints from affected persons. Therefore, to monitor compliance, the Permittee must monitor and respond to complaints.

ADEC adopted this standard condition into 18 AAC 50.346(a) pursuant to AS 46.14.010(e). The Department determined that this condition adequately meet the requirements of 40 C.F.R. 71.6(a)(3). No emission unit or stationary source operational or compliance factors indicate that unit-specific or stationary-source specific conditions would better meet these requirements. Therefore, the Department concluded that the standard condition meets the requirements of 40 C.F.R. 71.6(a)(3).

The Permittee is required to report any complaints and injurious emissions. The Permittee must keep records of the date, time, and nature of all complaints received and summary of the investigation and corrective actions undertaken for these complaints, and to submit copies of these records upon request of the Department.

The Permittee is required to operate the seawater scrubber at times the meal plant drier is operation. This requirement is to minimize odors and resultant complaints from the operation of the meal plant in accordance with 18 AAC 50.110. The Permittee is required to maintain and submit records demonstrating that the seawater scrubber is in operation along with the fish meal drier.

Condition 43, Technology-Based Emission Standard

Legal Basis: The Permittee is required to take reasonable steps to minimize emissions if certain activity causes an exceedance of any technology-based emission standard in this permit. This condition ensures compliance with the applicable requirement in 18 AAC 50.235. Technology Based Emission Standard requirements apply to the stationary source because the stationary source contains equipment subject to a technology-based emission standard, such as BACT, NSPS or other "technologically feasible" determinations.

Factual Basis: The conditions of this permit list applicable technology-based emission standards and require excess emission reporting for each standard in accordance with Condition 63. Excess emission reporting under Condition 63 requires information on the steps taken to minimize emissions. Monitoring of compliance for this condition consists of the report required under Condition 63.

Condition 44, Asbestos NESHAP

Legal Basis: The condition requires the Permittee to comply with asbestos demolition or renovation requirements in 40 C.F.R. 61, Subpart M. This condition ensures compliance with the applicable requirement in 18 AAC 50.040(b)(1) and (2)(F). The asbestos demolition and renovation requirements apply if the Permittee engages in asbestos demolition or renovation.

Factual Basis: Because these regulations include adequate monitoring and reporting requirements and because the Permittee is not currently engaged in such activity, simply citing the regulatory requirements is sufficient to ensure compliance with these federal regulations.

Condition 45, Refrigerant Recycling and Disposal

Legal Basis: This condition ensures compliance with the applicable requirement in 18 AAC 50.040(d) and applies if the Permittee engages in the recycling or disposal of certain refrigerants. The condition requires the Permittee to comply with the standards for recycling and emission reduction of refrigerants set forth in 40 C.F.R. 82, Subpart F that will apply if the Permittee uses certain refrigerants.

Factual Basis: Because these regulations include adequate monitoring and reporting requirements and because the Permittee is not currently engaged in such activity, simply citing the regulatory requirements is sufficient to ensure compliance with this federal regulation.

Condition 46, NESHAPs Applicability Determinations

Legal Basis: This condition requires the Permittee to keep and make available to the Department copies of the major stationary source determination and applicability of specific federal regulations that may apply to its stationary sources.

Factual Basis: The Permittee has conducted an analysis of the stationary source and determined that it is not a major HAPs stationary source based on emissions. This condition requires the Permittee to keep and make available to the Department copies of the major stationary source determination.

Condition 47, Open Burning

Legal Basis: The condition requires the Permittee to comply with the regulatory requirements when conducting open burning at the stationary source. This condition ensures compliance with the applicable requirement in 18 AAC 50.065. The open burning state regulation in 18 AAC 50.065 applies to the Permittee if the Permittee conducts open burning at the stationary source.

Factual Basis: No specific monitoring is required for this condition. Condition 47.1 requires the Permittee to keep "sufficient records" to demonstrate compliance with the standards for conducting open burning, but does not specify what these records should contain.

More extensive monitoring and recordkeeping is not warranted because the Permittee does not conduct open burning as a routine part of their business. Also, most of the requirements are prohibitions, which are not easily monitored. Compliance is demonstrated through annual certification required under Condition 65.

Condition 48, Requested Source Tests

Legal Basis: The Permittee is required to conduct source tests as requested by the Department. The Department adopted this condition under 18 AAC 50.345(k) as part of its operating permit program approved by EPA November 30, 2001.

Factual Basis: This condition ensures compliance with the applicable requirement in 18 AAC 50.220(a) and applies because this is a standard condition to be included in all operating permits. Monitoring consists of conducting the requested source test.

Conditions 49 - 51, Operating Conditions, Reference Test Methods, Excess Air Requirements

Legal Basis: These conditions ensure compliance with the applicable requirement in 18 AAC 50.220(b) and apply because the Permittee is required to conduct source tests by this permit. The Permittee is required to conduct source tests as set out in Conditions 49 through 51.

Factual Basis: These conditions supplement the specific monitoring requirements stated elsewhere in this permit. Compliance monitoring with Conditions 49 through 51 consist of the test reports required by Condition 56.

Condition 52, Test Exemption

Legal Basis: This condition ensures compliance with the applicable requirement in 18 AAC 50.345(a) and applies when the unit exhaust is observed for visible emissions.

Factual Basis: As provided in 18 AAC 50.345(a), amended November 9, 2008, the requirements for test plans, notifications and reports do not apply to visible emissions observations by smoke readers, except in connection with required particulate matter testing.

Conditions 53 - 57, Test Deadline Extension, Test Plans, Notifications and Reports, Continuous Monitoring Systems

Legal Basis: These conditions ensure compliance with the applicable requirement in 18 AAC 50.345(l)-(o) and apply because the Permittee is required to conduct source test by this permit.

Factual Basis: Standard conditions 18 AAC 50.345(l) - (o) are incorporated through these conditions. These standard conditions supplement specific monitoring requirements stated elsewhere in this permit. The source test itself monitors compliance with this condition.

Condition 58, Particulate Matter (PM) Calculations

Legal Basis: This condition requires the Permittee to reduce particulate matter data in accord with 18 AAC 50.220(f). It applies when the Permittee tests a boiler for compliance with the PM standards in 18 AAC 50.050 or 50.055.

Factual Basis: The condition incorporates a regulatory requirement for boiler PM source tests. The Permittee must use the equation given in this condition to calculate the PM emission concentration from the source test results. This condition supplements specific monitoring requirements stated elsewhere in this permit.

Condition 59, Recordkeeping Requirements

Legal Basis: Applies because the Permittee is required by the permit to keep records.

Factual Basis: The condition restates the regulatory requirements for recordkeeping, and supplements the recordkeeping defined for specific conditions in the permit. The records being kept provide an evidence of compliance with this requirement.

Condition 60, Certification

Legal Basis: This condition requires the Permittee to comply with the certification requirement in 18 AAC 50.205 and applies to all Permittees under EPA's approved operating permit program of November 30, 2001.

Factual Basis: This standard condition is required in all operating permits under 18 AAC 50.345(j). This condition requires the Permittee to certify any permit application, report, affirmation, or compliance certification submitted to the Department. To ease the certification burden on the Permittee, the condition allows the excess emission reports to be certified with the stationary source report, even though it must still be submitted more frequently than the stationary source operating report. This condition supplements the reporting requirements of this permit.

Condition 61, Submittals

Legal Basis: This condition requires the Permittee to comply with standardized reporting requirement in 18 AAC 50.326(j) and applies because the Permittee is required to send reports to the Department.

Factual Basis: This condition lists the Department's appropriate address for reports and written notices. The Permittee is required to submit an original and one copy of reports, compliance certifications, and other submittals required by this permit. Receipt of the

submittal at the correct Department office is sufficient monitoring for this condition. This condition supplements the standard reporting and notification requirements of this permit.

Condition 62, Information Requests

Legal Basis: This condition requires the Permittee to submit requested information to the Department. This is a standard condition from 18 AAC 50.345(i) of the state approved operating permit program effective November 30, 2001.

Factual Basis: This condition requires the Permittee to submit information requested by the Department. Monitoring consists of receipt of the requested information.

Condition 63, Excess Emission and Permit Deviation Reports

Legal Basis: This condition requires the Permittee to comply with the applicable requirement in 18 AAC 50.235(a)(2) and 18 AAC 50.240. Also, the Permittee is required to notify the Department when emissions or operations deviate from the requirements of the permit.

Factual Basis: This condition satisfies two state regulations related to excess emissions - the technology-based emission standard regulation and the excess emission regulation. Although there are some differences between the regulations, the condition satisfies the requirements of each regulation.

The Department adopted this condition as Standard Permit Condition III under 18 AAC 50.346(c) pursuant to AS 46.14.010(e). The Department made a correction to the Standard Operating Permit Condition III to allow identical reporting methodology for both Excess Emissions and Permit Deviations reports which use identical forms and should have identical submissions methods. Beyond as noted above, the Department has previously determined that the standard conditions adequately meet the requirements of 40 C.F.R. 71.6(a)(3). No additional emission unit or stationary source operational or compliance factors indicate the unit-specific or stationary-source-specific conditions would better meet the requirements. Therefore, the Department concludes that the standard conditions as modified meets the requirements of 40 C.F.R. 71.6(a)(3).

Section 12, Notification Form

The Department included the notification form contained in Standard Permit Condition IV effective November 9, 2008.

Condition 64, Operating Reports

Legal Basis: This condition ensures compliance with the applicable requirement in 18 AAC 50.346(b)(6) and applies to all permits.

Factual Basis: The condition restates the requirements for reports listed in regulation. The condition supplements the specific reporting requirements elsewhere in the permit. The reports themselves provide monitoring for compliance with this condition.

The Department used the Standard Permit Condition VII as adopted into regulation on August 20, 2008 pursuant to AS 46.14.010(e). The Department has made a correction to the Standard Permit Condition VII by changing the number of copies of documents to be submitted from “an original and two copies” to “an original and one copy”. Beyond as noted above, the Department has previously determined that the standard conditions

adequately meet the requirements of 40 C.F.R. 71.6(a)(3). No additional emission unit or stationary source operational or compliance factors indicate the unit-specific or stationary-source-specific conditions would better meet the requirements. Therefore, the Department concludes that the standard conditions as modified meets the requirements of 40 C.F.R. 71.6(a)(3).

Condition 65, Annual Compliance Certification

Legal Basis: This condition ensures compliance with the applicable requirement in 18 AAC 50.040(j)(4) and applies to all Permittees.

Factual Basis: This condition specifies the periodic compliance certification requirements, and specifies a due date for the annual compliance certification. Each annual certification provides monitoring records for compliance with this condition.

Condition 65.2 provides clarification of transition periods between an expiring permit and a renewal permit to ensure that the Permittee certifies compliance with the permit terms and conditions of the permit that was in effect during those partial date periods involved in the transition. No format is specified: the Permittee may provide one report certifying compliance with each permit term or condition for each of the effective permits during the certification period, or may choose to provide two reports – one certifying compliance with permit terms and conditions from January 1 until the date of expiration of the old permit, and a second report certifying compliance with terms and conditions in effect from the effective date of the renewal permit until December 31.

The Permittee is required to submit to the Department an original and one copy of an annual compliance certification report. The Permittee may submit one of the required copies electronically at their discretion. This change more adequately meets the requirements of 18 AAC 50 and agency needs, as the Department can more efficiently distribute the electronic copy to staff in other locations.

Condition 66, NSPS and NESHAP Reports

Legal Basis: The Permittee is required to provide the federal Administrator and Department a copy of each emission unit report for units subject to NSPS or NESHAP federal regulations under 18 AAC 50.326(j)(4). 40 C.F.R. 70 Appendix A documents that EPA fully approved the Alaska operating permit program effective November 30, 2001.

Factual Basis: The condition supplements the specific reporting requirements in 40 C.F.R. 60, 40 C.F.R. 61, and 40 C.F.R. 63. The reports themselves provide monitoring for compliance with this condition.

Condition 67, Permit Applications and Submittals

Legal Basis: The Permittee may need to submit permit applications and related correspondence.

Factual Basis: Standard Permit Condition XIV directs the applicant to send copies of all application materials required to be submitted to the Department directly to the EPA, in electronic format if practicable. This condition shifts the burden of compliance from the Department to ensure that copies of application materials are submitted to EPA by transferring that responsibility to the Permittee.

Conditions 68 - 70, Permit Changes and Revisions Requirements

Legal Basis: The Permittee is obligated to notify the Department of certain off-permit source changes and operational changes under18 AAC 50.326(j)(4). 40 C.F.R. 71.6(a)(10), (12), and (13) incorporated by reference under 18 AAC 50.040(j) require these provisions within this permit. 40 C.F.R. 70 Appendix A documents that EPA fully approved the Alaska operating permit program effective November 30, 2001.

Factual Basis: These are conditions required in 40 C.F.R. 71.6 for all operating permits to allow changes within a permitted stationary source without requiring a permit revision.

The Permittee did not request trading of emission increases and decreases as described in 71.6(a)(13)(iii).

Condition 71, Permit Renewal

Legal Basis: The Permittee must submit a timely and complete operating permit renewal application if the Permittee intends to continue source operations in accord with the operating permit program under18 AAC 50.326(j)(3). The obligations for a timely and complete operating permit application are set out in 40 C.F.R. 71.5 incorporated by reference in 18 AAC 50.040(j)(3). 40 C.F.R. 70 Appendix A documents that EPA fully approved the Alaska operating permit program effective November 30, 2001.

Factual Basis: In accordance with AS 46.14.230(a), this operating permit is issued for a fixed term of five years after the date of issuance, unless a shorter term is requested by the permit applicant. The Permittee is required to submit an application for permit renewal by the specific dates applicable to the stationary source as listed in this condition. As stated in 40 C.F.R. 71.5(a)(1)(iii), submission for a permit renewal application is considered timely if it is submitted at least six months but no more than eighteen months prior to expiration of the operating permit. According to 71.5(a)(2), a complete renewal application is one that provides all information required pursuant to 40 C.F.R. 71.5(c) and must remit payment of fees owed under the fee schedule established pursuant to 18 AAC 50.400. 40 C.F.R. 71.7(b) states that if a source submits a timely and complete application for permit issuance (including renewal), the source's failure to have a permit is not a violation until the permitting authority takes final action on the permit application.

Therefore, for as long as an application has been submitted within the timeframe allowed under 40 C.F.R. 71.5(a)(1)(iii), and is complete before the expiration date of the existing permit, then the expiration of the existing permit is extended and the Permittee has the right to operate under that permit until the effective date of the new permit. However, this protection shall cease to apply if, subsequent to the completeness determination, the applicant fails to submit by the deadline specified in writing by the Department any additional information needed to process the application. Monitoring, recordkeeping, and reporting for this condition consist of the application submittal.

Conditions 72 - 76, General Compliance Requirements and Schedule

Legal Basis: These conditions ensure compliance with the applicable requirement in 18 AAC 50.326(j)(3). The Permittee is required to comply with these standard conditions set out in 18 AAC 50.345 included in all operating permits. 40 C.F.R. 70 Appendix A documents that EPA fully approved the Alaska operating permit program effective November 30, 2001.

Factual Basis: These are standard conditions for compliance required for all operating permits. Condition 76 requires the Permittee to comply with the applicable provisions of 40 CFR 63 Subpart ZZZZ no later than May 03, 2013.

Condition 77 – 78, Permit Shield

Legal Basis: These conditions ensure compliance with the applicable requirement in 18 AAC 50.326(j) and apply because the Permittee has requested that the Department shield the source from the applicable requirements listed under this condition under the Federally approved State operating program effective November 30, 2001

Factual Basis: The permit conditions set forth the requirements that the Department determined were not applicable to the stationary source. The Department based the determination on the permit application, past operating permit, Title I permits and inspection reports.

ATTACHMENT A

FIGURE 1--SUMMARY REPORT--GASEOUS AND OPACITY EXCESS EMISSION AND MONITORING SYSTEM PERFORMANCE

[Note: This form is referenced in 40 C.F.R. 60.7, Subpart A-General Provisions]

Pollutant *(Circle One)*: SO_2 NO_X TRS H_2S CO Opacity

Reporting period dates: From _____ to _____

Company: hkjhkjh
Emission Limitation: _____

Address: _____

Monitor Manufacturer: _____

Model No.: _____

Date of Latest CMS Certification or Audit: _____

Process Unit(s) Description: _____

Total source operating time in reporting period [1]: _____

Emission Data Summary [1]	**CMS Performance Summary** [1]
1. Duration of excess emissions in reporting period due to:	1. CMS downtime in reporting period due to:
a. Startup/shutdown ..... ____	a. Monitor equipment malfunctions ..... ____
b. Control equipment problems ..... ____	b. Non-Monitor equipment malfunctions ..... ____
c. Process problems ..... ____	c. Quality assurance calibration ..... ____
d. Other known causes ..... ____	d. Other known causes ..... ____
e. Unknown causes ..... ____	e. Unknown causes ..... ____
2. Total duration of excess emissions ..... ____	2. Total CMS Downtime ..... ____
3. Total duration of excess emissions x (100) / [Total source operating time] ..... ____ % [2]	3. [Total CMS Downtime] x (100) / [Total source operating time] ..... ____ % [2]

[1] For opacity, record all times in minutes. For gases, record all times in hours.

[2] For the reporting period: If the total duration of excess emissions is 1 percent or greater of the total operating time or the total CMS downtime is 5 percent or greater of the total operating time, both the summary report form and the excess emission report described in 40 C.F.R. 60.7(c) shall be submitted.

Note: On a separate page, describe any changes since last quarter in CMS, process or controls.

I certify that the information contained in this report is true, accurate, and complete.

Name: _____

Signature: _____ *Date*: _____

Title: _____