

**Alaska Department of Environmental Conservation
Air Permits Program**

Public Comment - June 20, 2022

Westward Seafoods, Inc.

Westward Dutch Harbor Seafood Processing Facility

**STATEMENT OF BASIS
for the terms and conditions of
Permit No. AQ0433TVP04**

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INTRODUCTION

This document sets forth the statement of basis for the terms and conditions of Operating Permit No. AQ0433TVP04.

STATIONARY SOURCE IDENTIFICATION

Section 1 of Operating Permit No. AQ0433TVP04 contains information on the stationary source as provided in the Title V permit application.

The Westward Dutch Harbor Seafood Processing Facility is owned and operated by Westward Seafoods, Inc. and Westward Seafoods, Inc. is the Permittee for the stationary source's operating permit. The SIC code for this stationary source is 2092 - Prepared Fresh or Frozen Fish and Seafoods.

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 1-3) 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 EU IDs 1-5 are ducted into a single stack.

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 dryers, 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 Permittee 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 Applica'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 Permittee identified no alternative modes of operation that change the air pollution control requirements applicable to the facility.

EMISSIONS 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 emissions units at the Westward Dutch Harbor Seafood Processing Facility that have specific monitoring, recordkeeping, and reporting requirements are listed in Table A of Operating Permit No. AQ0433TVP04.

Table A of Operating Permit No. AQ0433TVP04 contains information on the emissions units regulated by this permit as provided in the application. The table is provided for informational and identification purposes only. Specifically, the emissions 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 application from the Westward Dutch Harbor Seafood Processing Facility is shown in the table below.

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

Emissions	NO _x	CO	PM ₁₀	SO ₂	VOC	CO _{2e} ¹	HAPs	Total ²
PTE	593.9	64.4	26.2	94.3	32.0	66,041.7	3.62	810.8
Assessable PTE	594	64	26	94	32	0	0	810

Notes:

1. CO_{2e} emissions are defined as the sum of the mass emissions of each individual GHG adjusted for its global warming potential.
2. Total PTE and total assessable PTE shown in the table do not include CO_{2e} and HAPs.
3. HAP emissions are a subset of either VOC emissions or PM₁₀ emissions and are excluded from the assessable emissions total to avoid double counting.

The assessable PTE listed under Condition 55.1 is the sum of the PTE of each individual air pollutant, other than greenhouse gases (GHGs), for which the stationary source has PTE of 10 TPY or greater. The emissions listed in Table B are estimates that are for informational use only. The listing of the emissions does not create an enforceable limit for the stationary source.

For criteria pollutants and GHGs, emissions are as provided in the application, as follows: Nitrogen oxides (NO_x), Carbon monoxide (CO), Particulate matter sized less than 10 microns (PM₁₀), Sulfur dioxide (SO₂), 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 source² 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 the following 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 (NSPS) under Section 111 of the Clean Air Act or National Emission Standards for Hazardous Air Pollutants (NESHAP) under Section 112 of the CAA;
- Another stationary source designated by the Federal Administrator by regulation.

The Permittee is required to obtain an operating permit for the Westward Dutch Harbor Seafood Processing Facility as specified under 18 AAC 50.326(a) and 40 C.F.R. 71.3(a) because the stationary source is a major source. This stationary source is a major source because as defined

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(22).

² *Title V source* means a stationary source classified as needing a permit under AS 46.14.130(b) [ref. 18 AAC 50.990(111)].

in Section 302 of the CAA, it directly emits, or has the potential to emit, 100 TPY or more of any air pollutant subject to regulation.

AIR QUALITY PERMITS

Permits to Operate

The last Permit to Operate issued for this stationary source is Permit to Operate No. 9425-AA011. This Permit to Operate included all construction authorizations since it 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 this Title V operating permit, Permit No. AQ0433TVP04, as described in Table C.

Title I (Construction and Minor) Permits

Permit No. 433CPT01. The Department issued Construction Permit No. 433CPT01 to this stationary source on October 10, 2003. The Department established stationary source-specific requirements in this Title I permit. All stationary source-specific requirements established in this permit are included in Operating Permit No. AQ0433TVP04 as described in Table C.

- Revision No. 1: 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.

Title V Operating Permits

Permit No. AQ0433TVP01. The owner or operator submitted an application for an initial Title V operating permit dated 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 (option 1) 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.

Permit No. AQ0433TVP02. The owner or operator submitted an application to renew Operating Permit No. AQ0433TVP01 dated June 26, 2008. The owner or operator amended the application on August 25, 2008. The Department received additional information on August 29, 2008. The Department issued Operating Permit No. AQ0433TVP02 on September 20, 2010.

Permit No. AQ0433TVP03. The owner or operator submitted an application to renew Operating Permit No. AQ0433TVP02 dated September 17, 2014. The Department issued Operating Permit No. AQ0433TVP03 on August 8, 2016.

- Revision No. 1: The Compliance Assurance Monitoring (CAM) requirements contained in Section 15 of the permit were revised to incorporate increased monitoring, record keeping, and reporting requirements detailed in Consent Decree No. 3:17-cv-00087-TMB (Consent Decree) entered into between the United States of America and Westward Seafoods, Inc. on February 26, 2018. Paragraph 47 of the Decree also required that Westward update the

Site-Specific Monitoring Plan (Attachment A) and the Daily NO_x Emissions Estimation Calculation Procedure (Attachment B) and incorporate into Westward's Title V operating permit. The Department also included the Preventative Maintenance and Operations (PMO) Plan from Appendix A of the Consent Decree, as Attachment C in the Statement of Basis. The application was submitted on March 9, 2018.

Permit No. AQ0433TVP04. The Permittee submitted an application to renew Operating Permit No. AQ0433TVP03 under a September 21, 2020 cover letter. The Department received the application on September 22, 2020.

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, indicates a stationary source generally operating in compliance 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 ID 3 was operating at a generator load greater than 30% while the Charged Air Saturation System (CASS) was inoperable, fuel meters did not have regularly scheduled calibrations, a source test was not conducted prior to deadline in permit, RO failed to certify FOR reports.
- On June 2, 2010, the US Department of Justice filed a Consent Decree with the US District Court in Alaska (Case 3:10-cv-00073) alleging violations of the Clean Air Act at the Westward Seafoods Inc. Dutch Harbor facility. The 2010 Consent Decree required Westward to pay a cash penalty of \$570,000 and to perform specified injunctive relief, including, among other things: 1) developing, submitting, and operating consistent with the Preventative Maintenance and Operations (PMO) Plan for the three generators, two boilers and all related control equipment, and 2) developing and beginning implementation of annual training for all employees operating and responsible for the three generators, two boilers, and all related control equipment.
- On March 26, 2013, the Department finalized a full compliance evaluation covering the period January 1, 2011 through December 31, 2012. The full compliance evaluation included an on-site inspection which was conducted on February 20, 2013. The Department identified compliance issues with a combustion air saturation system that was not in operation. As a result, NO_x BACT limits may have been exceeded, which then may have impacted the monitoring and maintenance records.
- On March 30, 2015, EPA R10 issued a Notice of Violation (NOV) to Westward Seafoods Inc. alleging violations of the 2010 Consent Decree and of Operating Permit No. AQ0433TVP02. In the NOV, EPA alleged that from approximately August 1, 2009 through August 31, 2011, employees of Westward deactivated the Charged Air Saturation System (CASS) on each of the EUs 1-3, such that the CASS did not operate when the generators were operating, and fabricated water usage records for the CASS. Operation of a low-NO_x retrofit package with water injection (such as the CASS) is required by Permit

Condition 16.1.b of the 2010 Title V Permit and Condition 10.1.b of the Construction Permit. See the February 24, 2018 Consent Decree below for resolution details.

- On December 5, 2015, the Department finalized a full compliance evaluation covering the period January 1, 2012 through September 30, 2014. The full compliance evaluation included an on-site inspection which was conducted on October 22, 2014. Based on the scope of the evaluation and review of information provided, the source was found to be operating in compliance with Operating Permit No. AQ0433TVP02.
- On September 16, 2016, the Department finalized a full compliance evaluation covering the period October 1, 2014 through June 30, 2016. The full compliance evaluation did not include an on-site inspection. Based on the scope of the evaluation and review of information provided, the source was found to be operating in compliance with Operating Permit No. AQ0433TVP02.
- On February 24, 2018, Consent Decree No. 3:17-cv-00087-TMB was entered into between the United States of America and Westward Seafoods, Inc., regarding violations detailed in the previously mentioned March 30, 2015 Notice of Violation. The 2018 Consent Decree required Westward to pay a total penalty of \$1,300,000. This included \$730,000 in stipulated penalties from the 2010 Consent Decree, as well as \$342,000 to the United States and \$228,000 to the State of Alaska for the 2018 Consent Decree. The 2018 Consent Decree also requires Westward to implement two environmental mitigation projects; a lighting replacement project at this facility as well as the Unalaska Seafood Processing Facility (Operating Permit No. AQ0241TVP04), and an electrical tie-in project between the City of Unalaska's electrical grid and the Unalaska Seafood Processing Facility. The cost of the two projects shall be no less than \$767,000 for lighting replacement and \$370,680 for the electrical tie-in. Additionally, the 2018 Consent Decree requires Westward to implement increased monitoring, recordkeeping, and reporting requirements for EUs 1-3, including, among other things: increased NO_x emissions testing with the handheld analyzer, submitting additional compliance reports, setting up an electronic portal with records and reports available to the EPA and Department, and hiring a third-party verifier to conduct inspections of the facility.
- On June 4, 2020, the Department finalized a full compliance evaluation covering the period June 1, 2018 through December 31, 2019. The full compliance evaluation did not include an on-site visit. Based on the scope of this evaluation, the source was found to be operating out of compliance with Conditions 17.1b and 77.1 of Operating Permit No. AQ0433TVP03.
- On December 27, 2021, the Department finalized a full compliance evaluation covering the period November 23, 2021 through December 27, 2021. The full compliance evaluation did not include an on-site visit. Based on the scope of this evaluation, the source was found to be out of compliance with Condition 30.4 of Operating Permit No. AQ0433TVP03 Rev. 1.

APPLICABLE REQUIREMENTS FROM PRECONSTRUCTION PERMITS

Incorporated by reference at 18 AAC 50.326(j), 40 C.F.R. Part 71.2 defines "applicable requirement" to include the terms and conditions of any preconstruction permit issued under rules approved in Alaska's State Implementation Plan (SIP).

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

- Permit to Operate issued on or before January 17, 1997 (these permits cover both construction and operations);
- Construction permits issued on or after January 18, 1997; and
- Minor permits issued on or after October 1, 2004.

Preconstruction 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 are not limited to, each emissions unit- or source-specific requirement established in these permits issued under 18 AAC 50 that are still in effect at the time of issuance of Operating Permit No. AQ0433TVP04.

Table C lists the requirements carried into Operating Permit No. AQ0433TVP04 to ensure compliance with the preconstruction permit requirements.

Table C - Comparison of Construction Permit No. 433CP01 Conditions to Operating Permit No. AQ0433TVP04 Conditions¹

433CP01, Revision 1 Condition No.	Description of Requirement	AQ0433TVP04 Condition No.	How Condition was Revised
8	Limits total sulfur content for fuels burned in EU IDs 1-5 to 0.23% by weight.	16	No revisions have been made to the condition in Operating Permit No. AQ0433TVP04.
6	The Permittee shall follow the Access Control Plan.	17	No revisions have been made to the condition in Operating Permit No. AQ0433TVP04
7	The Permittee shall post and maintain No Trespassing Signs along the ambient air boundary.	18	No revisions have been made to the condition in Operating Permit No. AQ0433TVP04.
9	Stack Parameters.	19	No revisions have been made to the condition in Operating Permit No. AQ0433TVP04
10	Nitrogen Dioxide BACT Requirements.	20	No revisions have been made to the condition in Operating Permit No. AQ0433TVP04
11	Sulfur Dioxide BACT Requirements.	21	No revisions have been made to the condition in Operating Permit No. AQ0433TVP04

Note:

1. This table does not include all standard and general conditions.

433CP01, Revision 1 Condition No.	Description of Requirement	AQ0433TVP04 Condition No.	How Condition was Revised
12	PM-10 BACT Requirements.	22	No revisions have been made.

NON-APPLICABLE REQUIREMENTS

This section discusses Standard Permit Conditions that have not been included in the permit and other requirements that are not included for specific reasons.

40 C.F.R. 64 CAM Rule: The requirements of 40 C.F.R. 64 applies to a pollutant-specific emissions unit(s) at a major source if the unit satisfies all of the following criteria: (1) the emission unit is subject to an applicable emission limitation or standard; (2) the unit uses a control device to comply with any such applicability emission limitation or standard; and (3) the unit has potential pre-control device emissions of the applicable regulated air pollutant equal to or greater than the major source thresholds for the applicable regulated air pollutant. Exemptions are provided for those sources monitoring for compliance in any other post November 15, 1990 EPA rule, or any rule with continuous compliance monitoring requirements.

Emission Units Not Subject to CAM:

EU IDs 4 and 5 (Cleaver Brooks Boilers)

Possible reasons for CAM applicability. The boilers are operated with low-NO_x retrofit packages to meet the 4.4 lb/hour NO_x BACT limit required by Condition 20.2.a.

Why CAM does not apply. CAM does not apply to low-NO_x burner technology since it is not included in the definition of “control device” under 40 C.F.R. 64.1. The boilers also have an unrestricted PTE below the applicable major source thresholds for criteria pollutants and HAPs.

STATEMENT OF BASIS FOR THE PERMIT CONDITIONS

The Department adopted regulations from 40 C.F.R. 71, as specified in 18 AAC 50.040(j), to establish operating permit regulations. The EPA fully approved the Alaska Operating Permit Program on November 30, 2001, as noted in Appendix A to 40 C.F.R. 70. This Statement of Basis, required under 40 C.F.R. 71.11(b), provides the legal and factual basis for each condition of Operating Permit No. AQ0433TVP04. Additionally, and as required by 40 C.F.R. 71.6(a)(1)(i), the state and federal regulations for each permit condition are cited in the permit.

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

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

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

U.S. EPA approved the addition of these standards to the SIP, as noted in 40 C.F.R. 52.70. The Department included permit conditions for MR&R as required by 40 C.F.R. 71.6(a)(3) and 71.6(c)(1).

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). MR&R requirements

are listed in Conditions 2 through 4 (for liquid fuel-burning equipment). These conditions have been adopted into regulation as Standard Permit Condition (SPC) IX – Visible Emissions and Particulate Matter Monitoring Plan for Liquid Fuel-Burning Equipment and Flares.

Beyond as noted above, the Department has determined that the Standard Permit Conditions adequately meet the requirements of 40 C.F.R. 71.6(a)(3). No additional emissions unit or stationary source operational or compliance factors indicate that unit-specific or stationary-source-specific conditions would better meet the requirements. Therefore, the Department concludes that the Standard Permit Conditions, as modified, meet the requirements of 40 C.F.R. 71.6(a)(3).

These conditions detail a stepwise process for monitoring to determine compliance with the state's visible emissions standard for liquid fuel-burning equipment. Equipment types covered by these conditions are stationary internal combustion engines, turbines, heaters, boilers, and flares. Initial monitoring frequency schedules are established along with subsequent reductions or increases in frequency depending on the results of the self-monitoring program.

Reasonable action thresholds are established in these conditions that require the Permittee to progressively address potential visible emission problems from emissions units either through maintenance programs and/or more rigorous tests that will quantify whether a specific emission standard has been exceeded.

Liquid Fuel - Burning Equipment:

Monitoring – The emissions unit exhaust must be observed by either the Method 9 Plan or the Smoke/No Smoke Plan as detailed in Condition 2. Corrective actions such as maintenance procedures or more frequent observations may be required depending on the results of the observations.

Recordkeeping - The Permittee is required to record the results of all observations of emissions unit exhaust and record any actions taken to reduce visible emissions.

Reporting - The Permittee is required to report emissions in excess of the state visible emissions standard and deviations from permit conditions. The Permittee is also required to include in the operating report a statement of which visible emissions plan was used for each emissions unit and copies of the results of all visible emission observations.

Meal Plant Dryer

Monitoring – Monitoring shall consist of an annual compliance certification under Condition 81 for the visible emissions standard based on reasonable inquiry.

Recordkeeping – The Permittee shall state compliance for the meal dryer in meeting the state standard in the annual compliance certification. As noted in Condition 61.4.b, the Permittee shall report as a permit deviation when operating conditions do not conform to Condition 61.4 (use of seawater scrubber system). Certification of routine compliance with Condition 61.4 is not required to be included each Operating Report.

Reporting – There are no record keeping requirements for visible emission requirements except those contained in Condition 61.4. However, the Permittee should maintain documentation that the meal dryer has not violated the State standard.

Significant Emissions Units under 18 AAC 50.326(d)(1):

EU ID 6 is a group of 10 chiller and refrigeration units. EU ID 6 has potential emissions that are insignificant based on unrestricted operations per 18 AAC 50.326(e). However, EU ID 6 does not qualify as insignificant per 18 AAC 50.326(d)(1) because it is subject to standards established under 40 C.F.R. Part 82, Subpart F. The Department has waived visible emissions monitoring for EU ID 6 because it has potential emissions that are insignificant based on unrestricted operations and does not qualify as either a fuel-burning equipment or an industrial process. The Permittee must stay in compliance with the applicable standards found in 40 C.F.R. Part 82, Subpart F.

EU ID 7 is a fish meal dryer. EU ID 7 has potential emissions that are insignificant based on unrestricted operations per 18 AAC 50.326(e). However, EU ID 7 does not qualify as insignificant per 18 AAC 50.326(d)(1) because it is subject to an emission unit-specific emissions limitation established under 18 AAC 50.201 (Condition 61.4). As long as the emission unit is insignificant by emissions rate as specified in 18 AAC 50.326(e), no visible emissions monitoring is required for EU ID 7 in accordance with Department Policy and Procedure No. 04.02.103, Topic #3. Instead, monitoring shall consist of an annual certification under Condition 81 for the visible emissions standard based on reasonable inquiry.

Conditions 5 through 11, PM Standard and MR&R

Legal Basis: These conditions require compliance with the applicable requirement in 18 AAC 50.055(b).

- 18 AAC 50.055(b)(1) applies to the operation of fuel-burning equipment and industrial processes. EU IDs 1-5 and 7 are fuel-burning equipment or industrial processes.

This PM standard applies because it is contained in the federally approved SIP. The Department included permit conditions for MR&R as required by 40 C.F.R. 71.6(a)(3) and 71.6(c)(1).

Factual Basis: Condition 5 prohibits emissions in excess of the applicable state PM standard. MR&R requirements are listed in Conditions 6 through 11 of the permit.

Beyond as noted above, the Department has determined that the Standard Permit Conditions adequately meet the requirements of 40 C.F.R. 71.6(a)(3). No additional emissions unit or stationary source operational or compliance factors indicate that unit-specific or stationary-source-specific conditions would better meet the requirements. Therefore, the Department concludes that the Standard Permit Conditions, as modified, meet the requirements of 40 C.F.R. 71.6(a)(3).

The Permittee must establish by visual observations, which may be supplemented by other means (e.g., a defined stationary source operation and maintenance program), that the stationary source is in continuous compliance with the state's emission standards for PM.

The Permittee assured compliance with the grain loading emission standard for EU IDs 1-5 by providing vendor specifications. The results can be seen in Table D below.

Table D: Particulate Matter Emissions

EU ID	PM Emission Rate	Reference	Grain Loading Results
1-3	0.31 gm/kW-hr	Wartsila Data	0.022 gr/dscf
4 and 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-Burning Equipment:

Monitoring – The Permittee is required to either take corrective action or conduct PM source testing, if opacity threshold values are exceeded. For liquid fuel-burning engines and turbines, the Department set opacity threshold values of 15 percent for stack diameters less than 18 inches and 20 percent for stack diameters equal to or greater than 18 inches. These opacity thresholds are based on a study conducted by the Department in an effort to establish a correlation between opacity and PM. The data was collected from diesel engines of various stack sizes and the results are as follows:

- For stacks normalized to 21 inches – 0.05 gr/dscf corresponds to 27% opacity
- For stacks normalized to 18 inches – 0.05 gr/dscf corresponds to 23% opacity
- For stacks normalized to 12 inches – 0.05 corresponds to 16.8 % opacity
- For stacks normalized to 10 inches – 0.05 corresponds to 14.3 %

This means that the trend line for the complete data set predicts that 20% opacity corresponds to a little less than the PM limit for an 18-inch stack. There may be engines that exceed the thresholds but the intent of the Standard Permit Condition is not to guarantee that each engine that might exceed the PM standard will be tested. The Department expects few, if any, engines to actually be tested under this condition. What the Department does expect is that with the adopted condition in place, operators that find an opacity above or near the testing threshold will take corrective action necessary to reduce PM emissions. This would achieve the desired environmental outcome without the added cost of testing. The Department expects this to be the case with both thresholds.

The method is premised on the fact that a five percent difference in opacity is distinguishable. The conditions mean that if opacity readings as measured using Method 9 – with all of its limitations – exceed the threshold, the Permittee must either take corrective action or conduct a PM source test. The compliance conditions for PM do not draw a legal conclusion about whether the method shows compliance with the visible emissions standard.

Recordkeeping - The Permittee is required to record the results of PM source tests and visible emissions observations conducted during the source tests.

Reporting - The Permittee is required to report incidents when emissions in excess of the opacity threshold are observed and the results of PM source tests. The Permittee is also required to include copies of the results of all visible emission observations taken during PM source testing in the operating report.

Meal Dryer:

Monitoring – Monitoring shall consist of an annual compliance certification under Condition 81 for the visible emissions standard based on reasonable inquiry.

Recordkeeping – The Permittee shall state compliance for the meal dryer in meeting the state standard in the annual compliance certification. As noted in Condition 61.4.b, the Permittee shall report as a permit deviation when operating conditions do not conform to Condition 61.4 (use of seawater scrubber system). Certification of routine compliance with Condition 61.4 is not required to be included each Operating Report.

Reporting – There are no record keeping requirements for visible emission requirements except those contained in Condition 61.4. However, the Permittee should maintain documentation that the meal dryer has not violated the State standard.

Significant Emissions Units under 18 AAC 50.326(d)(1):

EU ID 6 is a group of 10 chiller and refrigeration units. EU ID 6 has potential emissions that are insignificant based on unrestricted operations per 18 AAC 50.326(e). However, EU ID 6 does not qualify as insignificant per 18 AAC 50.326(d)(1) because it is subject to standards established under 40 C.F.R. Part 82, Subpart F. The Department has waived visible emissions monitoring for EU ID 6 because it has potential emissions that are insignificant based on unrestricted operations and does not qualify as either a fuel-burning equipment or an industrial process. The Permittee must stay in compliance with the applicable standards found in 40 C.F.R. Part 82, Subpart F.

EU ID 7 is a fish meal dryer. EU ID 7 has potential emissions that are insignificant based on unrestricted operations per 18 AAC 50.326(e). However, EU ID 7 does not qualify as insignificant per 18 AAC 50.326(d)(1) because it is subject to an emission unit-specific emissions limitation established under 18 AAC 50.201 (Condition 61.4). As long as the emission unit is insignificant by emissions rate as specified in 18 AAC 50.326(e), no visible emissions monitoring is required for EU ID 7 in accordance with Department Policy and Procedure No. 04.02.103, Topic #3. Instead, monitoring shall consist of an annual certification under Condition 81 for the visible emissions standard based on reasonable inquiry.

Condition 12 through 15, Sulfur Compound Emissions Standard and MR&R

Legal Basis: This condition requires compliance with the sulfur compound emissions standard under 18 AAC 50.055(c).

- 18 AAC 50.055(c) applies to the operation of fuel-burning equipment and industrial processes. EU IDs 1-5 are fuel-burning equipment.

The sulfur compound standard applies because it is contained in the federally approved SIP. The Department included permit conditions for MR&R as required by 40 C.F.R. 71.6(a)(3) and 71.6(c)(1).

Factual Basis: The Permittee may not cause or allow the affected equipment to violate the applicable sulfur compound standard. Sulfur dioxide comes from the sulfur in the fuel (e.g., coal, natural gas, fuel oils).

Liquid Fuels:

For the liquid fuel-burning equipment, EU IDs 1-5, the MR&R conditions are SPCs XI and XII adopted into regulation pursuant to AS 46.14.010(e). Sulfur dioxide comes from the sulfur in the liquid, hydrocarbon fuel (e.g., diesel or No.2 fuel oil). Fuel sulfur testing will verify compliance. Fuel containing no more than 0.75 percent sulfur by weight will always comply with the emission standard. For fuels with a sulfur content higher than 0.75 percent, the condition requires the Permittee to use the equations in Section 12, or Method 19 of 40 C.F.R. 60, Appendix A-7, adopted by reference in 18 AAC 50.040(a)(3), to calculate the sulfur-dioxide concentration to show that the standard is not exceeded.

For the liquid fuel-burning heaters and engines, EU IDs 1-5, to protect the SO₂ ambient air quality standards, the Permittee is required to limit sulfur contents of diesel fuel burned in the emissions units to concentrations lower than necessary, as shown in Condition 16.1. Therefore, the MR&R requirements in Condition 15 have been streamlined based on the more stringent fuel sulfur content limit of 0.23 percent by weight rather than have two sets of MR&R for compliance with the state SO₂ standard in Condition 12.

Beyond as noted above, the Department has determined that the standard permit conditions adequately meet the requirements of 40 C.F.R. 71.6(a)(3). No additional emissions 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 Permit Conditions, as modified, meet the requirements of 40 C.F.R. 71.6(a)(3).

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

Table E: Sulfur Compound Emission Estimate

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

The Department incorporates by reference the monitoring, record keeping, and reporting of Condition 16.1.

Conditions 16 through 22, Pre-Construction Permit Requirements

Legal Basis: The Permittee is required to comply with all stationary source-specific requirements that were carried forward from previous SIP-approved Permits to Operate (PTO) issued on or before January 17, 1997 and operating permits issued between January 18, 1997 and September 30, 2004, and with all stationary source-specific requirements in EPA PSD permits, SIP-approved construction permits, SIP-approved minor permits, and owner requested limits (ORLs) established under 18 AAC 50.225. These requirements include Best

Available Control Technology (BACT), limits to ensure compliance with the attainment or maintenance of ambient air quality standards or maximum allowable ambient concentrations, and owner requested limits. Requirements from the permits listed above apply because they were originally developed through case-by-case action under a federally-approved SIP or approved operating permit program.

Factual Basis: These BACT limits were established in Prevention of Significant Deterioration (PSD) Permit No. 433CP01 on October 10, 2003.

All BACT requirements, with limits, monitoring, recordkeeping, and reporting obligations are incorporated in Section 3 of this permit. These limits were established in PSD Permit No. 433CP01 issued on October 10, 2003. For SO₂ and PM-10 the Department has streamlined these limits by cross referencing the State particulate matter standard as a surrogate BACT for the PM-10 limit and the ambient air quality limit for fuel sulfur content as a surrogate BACT for the SO₂ limit. Table F below summarizes the BACT limits.

Table F: Department BACT Limits

EU ID	NO _x Limits	SO ₂ Limits	PM Limits
1-3	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

As shown in Table F, EU IDs 1-3 have a NO_x BACT emission limit of 42.3 lb/hr. Permit No. 433CP03 also established an operational limit to install and operate each engine with a low-NO_x retrofit package with water injection. The operational limit also contained a footnote that stated:

“The WI technology automatically activates when the engine load is greater than an estimated 50%. This condition requires that at all engine loads 0-100%, WI shall be used. The exact operational range of the WI system shall be determined in the source test in Condition 9 and as recommended by the manufacturer.”

The 2003 PSD permit BACT decision determined the use of water injection as the control technology to meet the numerical limit of 42.3 lb/hr for NO_x. The BACT decision indicated that the exact operational range in which water injection would be required would be determined by the required source test and manufacturer recommendations. The source tests in question (2004 and 2005) demonstrated that the BACT limit was met without water injection below 50% load, and the manufacturer setting was to automatically require water injection at 50% load and above. After the Department’s acceptance of the source test, the operational range of water injection was determined to be at 50% load and higher and incorporated as Footnote 2 to Operating Permit No. AQ0433TVP02 during permit renewal. The Department’s elimination of the 0 – 50% load range is still consistent with the ultimate determination of the emission limit for BACT.

The Department took this opportunity to revise Footnote 2 as follows:

The WI technology automatically activates when the engine load is greater than an estimated 50%. This condition requires that at all engine loads greater than 50%, WI shall be used.

Removing the element of the footnote related to an individual source test is immaterial since the source test in question has been conducted, its source test report accepted. The BACT limit was established in 2003. While the Department recognizes that BACT decisions requiring control technology under current EPA guidelines should not be variable via source test results, it cannot revise the Title I condition via Title V permit renewal. Condition 20 ensures compliance with the underlying Title I condition.

Condition 23, Insignificant Emissions Units

Legal Basis: The Permittee is required to meet the state emission standards in 18 AAC 50.050(a) for all incinerators regardless of size and 18 AAC 50.055 for all industrial processes and fuel-burning equipment regardless of size. 18 AAC 50.050(a) and 50.055 are contained in the federally approved SIP. The Department also added permit conditions for MR&R as required by 40 C.F.R. 71.6(a)(3) and 71.6(c)(1).

Factual Basis: The condition requires insignificant emissions units to comply with the state emission standards for visible emissions, particulate matter emissions, and sulfur-compound emissions. Insignificant emissions units are not generally listed in operating permits unless specific monitoring, recordkeeping, and reporting are necessary to ensure compliance with the state emission standards. However, the Permittee may not cause or allow insignificant emissions units at the stationary source to violate these standards whether or not they are listed in the operating permit.

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

Condition 23.4.a requires certification that the insignificant emissions units did not exceed state emission standards during the previous year and did not emit any prohibited air pollution, based on reasonable inquiry.

The Department used the language in SPC V, adopted by reference under 18 AAC 50.346(b)(4), for the permit condition.

Conditions 24 through 30, NSPS Subpart A Requirements

Legal Basis: The EPA approved Alaska's Part 70 Program granted on November 30, 2001 (40 C.F.R. 70 Appendix A). The Department is the permitting authority for the Part 70 program. As the permitting authority, the Department requires compliance with all permit conditions. Although the EPA has not delegated to the Department the authority to administer the New Source Performance Standard (NSPS) program, NSPS requirements are included in the definition for "applicable requirement" under 40 C.F.R. 71.2, which has been adopted by the Department under 18 AAC 50.040(j)(1).

The NSPS provisions under Subpart Dc apply to the stationary source. Therefore, the Department requires compliance with those standards in a Part 70 permit issued under the approved program. However, the Department is unable to change the actual wording of the

relevant standard to substitute “the Department” for “the Administrator” in those standards. Since the Department expects access to any permit-related information provided by the Permittee to the EPA, the Department will act on its responsibility as the permitting authority to determine compliance with the standard. To reflect this relationship and for the purposes of this permit, the Department has defined “the Administrator” to mean the “EPA and the Department” for conditions implementing the federal emission standards under Section 4.

Most affected facilities (with the exception of some storage tanks) subject to an NSPS are subject to Subpart A. At this stationary source, EU IDs 4 and 5 are subject to NSPS Subpart Dc and therefore subject to Subpart A.

Conditions 24.1 through 24.3 - The Permittee has already complied with the notification requirements in 40 C.F.R. 60.7 (a)(1) - (4) for EU IDs 4 and 5. However, the Permittee is still subject to these requirements in the event of a new NSPS affected facility³ or in the event of a modification or reconstruction of an existing facility⁴ into an affected facility.

Condition 24.4 - 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 25 – The requirements in 40 C.F.R. 60.7(b) to maintain start-up, shutdown, or malfunction records are applicable to all NSPS affected facilities subject to Subpart A.

Condition 26 – The NSPS general recordkeeping requirements under 40 C.F.R. 60.7(f) requires records retention for at least two years of the measurements required to be maintained by this Part. This requirement is satisfied by Condition 75, which requires at least five years of records retention, in accordance with 40 C.F.R. 71.6(a)(3)(ii)(B) adopted under 18 AAC 50.040(j)(4).

Condition 27 - The Permittee has already complied with the initial performance test requirements in 40 C.F.R. 60.8 for EU IDs 4 and 5. However, the Permittee is still subject to these requirements in the event of a new NSPS affected facility, in the event of a modification or reconstruction of an existing facility into an affected facility or at such other times as may be required by EPA.

Condition 28 - Good air pollution control practices in 40 C.F.R. 60.11 are applicable to most NSPS affected facilities subject to Subpart A (EU IDs 4 and 5).

Condition 29 - The condition states that any credible evidence may be used to demonstrate compliance or to establish violations of relevant NSPS standards for EU IDs 4 and 5.

Condition 30 - Concealment of emissions prohibitions in 40 C.F.R. 60.12 are applicable to EU IDs 4 and 5.

Factual Basis: Subpart A contains general requirements applicable to all affected facilities (emissions units) subject to NSPS. In general, the intent of NSPS is to provide

³ *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.

⁴ *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.

technology-based emission control standards for new, modified, and reconstructed affected facilities.

Conditions 31, 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 IDs 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.

EU IDs 4 and 5, when burning distillate fuel, are subject to the standard for SO₂ in 40 C.F.R. 60.42c(d). EU IDs 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 IDs 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 C.F.R. 60.41(c), biofuels 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 IDs 4 and 5 to violate these standards. The Permittee has two options for complying with SO₂ emissions: one is to comply with a sulfur emission limit and the other is to comply with a fuel sulfur limit.

Monitoring – Condition 31.1 describes monitoring required in the event that the owner seeks to demonstrate compliance with the SO₂ 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 32, NESHAP Subpart A Requirements

Legal Basis: Most sources subject to National Emission Standards for Hazardous Air Pollutants (NESHAP) requirements are subject to NESHAP Subpart A. This stationary source is subject to 40 C.F.R. 63 Subparts ZZZZ and JJJJJ, and therefore is subject to the general provisions of Subpart A as specified in the provisions for the applicability of NESHAP Subpart A in Table 8 to NESHAP Subpart ZZZZ and in Table 8 to NESHAP Subpart JJJJJ.

Factual Basis: Subpart A contains the general requirements applicable to all affected sources subject to NESHAP. In general, the intent of NESHAP is to regulate specific categories of stationary sources that emit or have the potential to emit one or more hazardous air pollutants.

Conditions 33 through 37, NESHAP Subpart ZZZZ Requirements

Legal Basis: NESHAP Subpart ZZZZ applies to any existing, new, or reconstructed stationary RICE located at a major or area source of HAP emissions. EUs 1-3 were installed

in 1991, therefore EU IDs 1-3 are existing stationary RICE located at an area source of HAP emissions.

Factual Basis: These conditions incorporate the Subpart ZZZZ work practice standards applicable to EU IDs 1-3. 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).

Conditions 38 through 43, NESHAP Subpart JJJJJ

Legal Basis: NESHAP Subpart JJJJJ applies to owners and operators of industrial, commercial, or institutional boilers as defined in 40 C.F.R. 63.11237 that are located at, or is part of, an area source of HAP emissions. Westward Dutch Harbor Seafood Processing Facility is an area source, and Westward Seafoods, Inc. owns and operates an industrial oil-fired boiler, EU IDs 4 and 5, subject to the provisions of NESHAP Subpart JJJJJ under 40 C.F.R. 63.11194(a)(1) and (b) for existing boilers whose construction or reconstruction commenced on or before June 4, 2010

Factual Basis: Conditions 38 through 43 include all applicable requirements for an existing oil-fired boiler with a heat input capacity of 10 MMBtu/hr or greater (EU IDs 4 and 5). As such, EU IDs 4 and 5 are subject to the one-time energy assessment. An energy assessment was completed on or after January 1, 2008, that meets or is amended to meet the energy assessment requirement. Continuous compliance demonstration, notifications, recordkeeping, and reporting requirements are as provided in Conditions 39 through 43.

Condition 44, Asbestos NESHAP

Legal Basis: The requirements of 40 C.F.R. 61 are applicable requirements for Title V permitting purposes, as stated in item 4 of the "applicable requirement" definition under 40 C.F.R. 71.2. The condition requires the Permittee to comply with asbestos demolition or renovation requirements in 40 C.F.R. 61, Subpart M and associated general provisions under Subpart A, as adopted by reference under 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. ADEC received delegation for §61.145 and §61.154 of Subpart M (Asbestos), along with other sections and appendices which are referenced in §61.145, as §61.145 applies to sources required to obtain an operating permit under Alaska's regulations. ADEC has not received delegation for Subpart M for sources not required to obtain an operating permit under Alaska's regulations.

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 and Section 14, Compliance Assurance Monitoring (CAM)

Legal Basis: The three Wärtsilä generators, inventoried as EU IDs 1-3, are subject to 40 C.F.R. 64 because the stationary source has pollutant specific emitting units that satisfy all of the CAM applicability criteria in 40 C.F.R. 64.2(a)(1-3): (1) the emission units are subject to an applicable emission limitation or standard; (2) the units use a control device to comply with any such applicability emission limitation or standard; and (3) the units have potential pre-control device emissions of the applicable regulated air pollutant equal to or greater than the major source thresholds for the applicable regulated air pollutant.

Factual Basis: The Permittee has a BACT limit in Condition 20.1 to restrict the potential NO_x emissions. EU IDs 1-3 are fitted with Charged Air Saturation System (CASS) emission control devices to reduce NO_x emissions to achieve compliance with the NO_x BACT limit, and they have potential pre-control device emissions equal to or greater than the major source thresholds for NO_x (100 TPY). The Permittee prepared a Compliance Assurance Monitoring strategy shown in Section 14 to ensure fulfillment of the 40 C.F.R. 64 CAM rule.

The CAM plan submitted by the Permittee proposed monitoring NO_x emissions using a handheld analyzer one time per month on any of the Wärtsilä generators, with a reduction in monitoring frequency if the results of three consecutive months of emission testing are less than or equal to 38 lb/hr (90% of NO_x BACT limit). Under 40 C.F.R. 64.3(b)(4)(i), the frequency of monitoring and data collection should be commensurate with the time period over which a change in control device performance, that would require actions by the owner or operator to return operations within normal ranges or designated conditions, is likely to be observed. The Department finds that, consistent with the 40 C.F.R. 64 monitoring design criteria, monthly testing on each generator seems reasonable to determine whether an excursion or exceedance has occurred. The Permittee has not provided criteria indicating that less frequent monitoring will adequately meet the performance criteria under 40 C.F.R. 64.3(b).

The Department approved Westward Seafoods' CAM plan, as revised to require emission testing on each of the three generators on a monthly basis. The Department also included the provisions of a Quality Improvement Plan threshold under 40 C.F.R. 64.8.

The CAM plan is not intended to meet the underlying concerns in the ongoing compliance negotiations between Westward, the EPA, US DOJ, and ADEC; or for determining compliance with a consent decree.

If the results of the monthly NO_x monitoring indicate that a reduced monitoring frequency is warranted, the Permittee can submit to the Department an application for permit modification that justifies the proposed revision to the CAM Plan in Section 14.

The CAM requirements contained in Section 14 of the permit were revised to incorporate increased monitoring, record keeping, and reporting requirements detailed in Consent Decree No. 3:17-cv-00087-TMB (Consent Decree) entered into between the United States of America and Westward Seafoods, Inc. on February 26, 2018. Paragraph 47 of the Decree also required that Westward update the Site-Specific Monitoring Plan (Attachment A) and the Daily NO_x Emissions Estimation Calculation Procedure (Attachment B) and incorporate into Westward's Title V operating permit. The Department also included the Preventative Maintenance and Operations (PMO) Plan from Appendix A of the Consent Decree as Attachment C in the Statement of Basis. The application was submitted on March 9, 2018.

Condition 46, Chemical Accident Prevention Provisions

Legal Basis: This condition 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 pounds of anhydrous ammonia for their chiller refrigeration system units.

Conditions 47 through 49, Protection of Stratospheric Ozone, 40 C.F.R. 82

Legal Basis: The requirements of 40 C.F.R. 82 are applicable requirements for Title V permitting purposes, as stated in item 12 of the “applicable requirement” definition under 40 C.F.R. 71.2.

Condition 47 requires compliance with the applicable requirements in 40 C.F.R. 82, as adopted by reference under 18 AAC 50.040(d). The requirements apply 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 in 40 C.F.R. 82, Subpart F.

Conditions 48 and 49 also require compliance with the applicable requirement adopted under 18 AAC 50.040(d). Condition 48 prohibitions apply to all stationary sources that use substitutes for ozone-depleting compounds. Condition 49 prohibitions apply to all stationary sources that use halon for extinguishing fires and inert gas to reduce explosion risk. These conditions prohibit the Permittee from causing or allowing violations of these requirements. Westward Dutch Harbor Seafood Processing Facility uses anhydrous ammonia (non-exempt substitute refrigerant) and halon and is therefore subject to the federal regulations contained in 40 C.F.R. 82.

Factual Basis: These conditions incorporate applicable 40 C.F.R. 82 requirements. 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 require compliance with this federal regulation. The Permittee may not cause or allow violation of these prohibitions.

Condition 50, NESHAP Applicability Determinations

Legal Basis: This condition requires the Permittee to determine rule applicability of NESHAP and requires record keeping for those determinations if required by the source classification.

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 notify the Department and EPA if the stationary source becomes an affected source subject to a standard promulgated by EPA under 40 C.F.R. 63 and to keep records of applicability determinations and make those records available to the Department.

Conditions 51 through 53, Standard Terms and Conditions

Legal Basis: These are Standard Permit Conditions required for all operating permits under 18 AAC 50.345(a) and (e)-(g). As stated in 18 AAC 50.326(j)(3), the standard permit conditions of 18 AAC 50.345 replace the provisions of 40 C.F.R. 71.6(a)(5) – (7).

Factual Basis: These are Standard Permit Conditions that apply to all permits.

Condition 54, Administration Fees

Legal Basis: This condition requires compliance with the applicable fee requirements in 18 AAC 50.400-403. As stated in 18 AAC 50.326(j)(1), the provisions of 18 AAC 50.400 through 50.430 are applicable and 40 C.F.R. 71.9 is not applicable.

Factual Basis: Paying administration fees is required as part of obtaining and holding a permit with the Department or as a fee for a Department action. The regulations in 18 AAC 50.400-403 specify the amount, payment period, and the frequency of fees applicable to a permit action.

Conditions 55 and 56, Emission Fees

Legal Basis: These conditions require compliance with the applicable fee requirements in 18 AAC 50.410-420. The regulations specify the time period for the assessable emissions and the methods the Permittee may use to calculate assessable emissions. As stated in 18 AAC 50.326(j)(1), the provisions of 18 AAC 50.400 through 50.430 are applicable and 40 C.F.R. 71.9 is not applicable.

Factual Basis: The Department used the language in SPC I, adopted by reference under 18 AAC 50.346(b), for the permit. SPC I requires 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 assessable emissions are the lesser of the stationary source's potential or projected emissions of each air pollutant at 10 tons per year or greater (AS 46.14.250(h)(1)).

SPC I also allows the Permittee to recalculate the stationary source's assessable emissions based on previous actual annual emissions. According to AS 46.14.250(h)(1), assessable emissions are based on each air pollutant. Therefore, fees shall be paid on any pollutant emitted whether or not the permit contains any limitation for that pollutant.

This Standard Permit Condition specifies that, unless otherwise approved by the Department, calculations of assessable emissions must be based on actual emissions for the previous calendar year. Since each current year's assessable emissions 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.

As indicated in Condition 56.3, if the stationary source has not commenced construction or operation on or before March 31st, the Permittee may submit a waiver letter certified by the responsible official under 18 AAC 50.205 indicating that the assessable emissions for the source is zero for the previous fiscal year.

Condition 57, Good Air Pollution Control Practice

Legal Basis: This condition requires compliance with the requirements in 18 AAC 50.346(b)(5) and applies to all emissions units, **except** those subject to an emission standard in 40 C.F.R. 60, 61, or 63, those subject to continuous emission or parametric monitoring requirements, and insignificant emissions units; i.e., except EU IDs 1-6.

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 SPC VI pursuant to AS 46.14.010(e). Records kept in accordance with Condition 57.2 for units subject to GAPCP

need to be maintained for 5 years in accordance with Condition 75 even if a unit is no longer subject to this condition.

Maintaining and operating equipment in good working order is fundamental to preventing unnecessary or excess emissions. Standard Permit 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 an adequate maintenance schedule is not maintained.

Condition 58, Dilution

Legal Basis: This condition reiterates 18 AAC 50.045(a), which prohibits the Permittee from using dilution as an emission control strategy. 18 AAC 50.045 is included in the SIP approved by EPA and, therefore, is an applicable requirement, per 40 C.F.R. 71.2.

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

Condition 59, Reasonable Precautions to Prevent Fugitive Dust

Legal Basis: This condition reiterates 18 AAC 50.045(d), which requires a person to use reasonable precautions when handling, storing, or transporting bulk materials or engaging in an industrial activity. 18 AAC 50.045 is included in the SIP approved by EPA and, therefore, is an applicable requirement, per 40 C.F.R. 71.2.

This requirement applies because the Permittee has an emission unit or activity listed under Table 7 of 18 AAC 50.346(c). The listed emission units and activities in Table 7 are: coal-fired boilers; coal handling facilities; construction of gravel pads or roads that are part of a permitted stationary source or other construction that has the potential to generate fugitive dust that reaches ambient air; commercial/industrial/municipal solid waste, air curtain, and medical waste incinerators; sewage sludge incinerators not using wet methods to handle that ash; mines; urea manufacturing; soil remediation units; or dirt roads under the control of the operator with frequent vehicle traffic.

Factual Basis: The Department used the language in SPC X for the permit. The condition requires the Permittee to take reasonable action to prevent particulate matter from being emitted into the ambient air in accordance with 18 AAC 50.045(d).

Condition 60, Stack Injection

Legal Basis: This condition reiterates 18 AAC 50.055(g), which 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). 18 AAC 50.055 is included in the SIP approved by EPA and, therefore, is an applicable requirement, per 40 C.F.R. 71.2.

Stack injection requirements apply to stacks of emissions units at a stationary source constructed or modified after November 1, 1982.

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

Condition 61, Air Pollution Prohibited

Legal Basis: This condition requires compliance with 18 AAC 50.110. 18 AAC 50.110 is included in the SIP approved by EPA and, therefore, is an applicable requirement, per 40 C.F.R. 71.2. 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. The Department also included permit conditions for MR&R as required by 40 C.F.R. 71.6(a)(3) and 71.6(c)(1).

Factual Basis: The Department used the language in SPC II for the permit. This condition spells out how to monitor, record, and report prohibited air pollution. While the other permit conditions and emissions limitations 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.

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 must submit copies of these records upon request of the Department.

ADEC adopted this Standard Permit 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 Permit 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 dryer 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 dryer.

Condition 62, Technology-Based Emission Standard

Legal Basis: The Permittee is required to take reasonable steps to minimize emissions if unavoidable emergency, malfunction, or non-routine repair activities cause an exceedance of any technology-based emission standard in this permit. This condition requires compliance with the requirement in 18 AAC 50.235. Technology-Based Emission Standard requirements

apply because the stationary source contains equipment subject to a technology-based emission standard, such as BACT, MACT, LAER, NSPS or any other similar standard for which the stringency of the standard is based on determinations of what is technologically feasible, considering relevant factors.

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 79. Excess emission reporting under Condition 79 requires information on the steps taken to minimize emissions. Monitoring of compliance for this condition consists of the report required under Condition 79.

Condition 63, Open Burning

Legal Basis: The condition requires the Permittee to comply with the regulatory requirements in 18 AAC 50.065 when conducting open burning at the stationary source. 18 AAC 50.065 is included in the SIP approved by EPA and, therefore, is an applicable requirement, per 40 C.F.R. 71.2. The state open burning regulation in 18 AAC 50.065 applies to the Permittee if the Permittee conducts open burning at the stationary source.

Factual Basis: The Permittee may conduct open burning by following the provisions of 18 AAC 50.065 and by following the Department guidelines posted at the website <http://dec.alaska.gov/air/air-permit/open-burn-info>. Condition 63.1 requires the Permittee to keep records to demonstrate compliance with the standards for conducting open burning.

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 81.

Condition 64, Requested Source Tests

Legal Basis: The Permittee is required to conduct source tests as requested by the Department. This requirement is under 18 AAC 50.220(a) and 50.345(k), which are included in the SIP approved by EPA.

Factual Basis: This condition applies because this is a Standard Permit Condition to be included in all operating permits, as specified in 18 AAC 50.345(a). Compliance is demonstrated through the submission of the required source test plan and report.

Conditions 65 through 67, Operating Conditions, Reference Test Methods, Excess Air Requirements

Legal Basis: Conditions 65 and 67 require compliance with the applicable requirements in 18 AAC 50.220(b) and (c)(3), which are included in the SIP approved by EPA. Condition 66 specifies source test methods, as required by 40 C.F.R. 71.6(a)(3)(i) and 71.6(c)(1). These requirements apply because the Permittee is required by the permit to conduct source tests or a source test may be requested by the Department. The Permittee is required to conduct source tests in the manner set out in Conditions 65 through 67.

Factual Basis: These conditions supplement the specific monitoring requirements stated elsewhere in this permit.

Condition 68, Test Exemption

Legal Basis: This condition incorporates the source test exemption in 18 AAC 50.345(a) regarding visible emissions observations. 18 AAC 50.345(a) is included in the SIP approved by EPA.

Factual Basis: As provided in 18 AAC 50.345(a), 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 69 through 72, Test Deadline Extension, Test Plans, Notifications and Reports

Legal Basis: Conditions 70 through 72 require compliance with the applicable requirements in 18 AAC 50.345(m) through (o), which are included in the SIP approved by EPA. Condition 69 contains the requirement in 18 AAC 50.345(l). The requirements in 18 AAC 50.345(l) through (o) constitute Standard Permit Conditions that must be included in each operating permit, as specified in 18 AAC 50.345(a). These requirements apply because the Permittee is required to conduct source tests as set out by this permit or as requested by the Department.

Factual Basis: These Standard Permit Conditions supplement specific monitoring requirements stated elsewhere in this permit.

Condition 73, Particulate Matter Calculations

Legal Basis: This condition requires the Permittee to reduce particulate matter data in accordance with 18 AAC 50.220(f), which is included in the SIP approved by EPA. It applies when the Permittee tests for compliance with the particulate matter standards in 18 AAC 50.050 or 50.055.

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

Condition 75, Recordkeeping Requirements

Legal Basis: This condition requires the Permittee to keep records in accordance with 40 C.F.R. 71.6(a)(3)(ii), which the Department adopted by reference under 18 AAC 50.040(j)(4). It also incorporates the general NSPS recordkeeping requirement under 40 C. F. R. 60.7(f), which the Department adopted by reference under 18 AAC 50.040(a)(1).

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 evidence of compliance with this requirement.

40 C.F.R. 60.7(f) requires records retention for at least two years of the measurements required to be maintained by this Part while 40 C.F.R. 71.6(a)(3)(ii) requires at least five years of records retention. The five-year records retention requirement in Condition 75 satisfies both 40 C.F.R. 60.7(f) and 40 C.F.R. 71.6(a)(3)(ii).

Condition 76, Certification

Legal Basis: All operating permits must contain a requirement to certify permit applications, reports, affirmations, or compliance certification, per 18 AAC 50.345(j). The requirement is a part of the SIP approved by EPA.

Factual Basis: The Department used the language in SPC XVII, adopted by reference under 18 AAC 50.346(b)(10), for the permit condition. The requirement in 18 AAC 50.345(j) is a Standard Permit Condition that must be included in each operating permit, as specified in 18 AAC 50.345(a). 18 AAC 50.345(j) allows the excess emissions reports to be certified with the operating report. However, the Department reminds the Permittee that excess emissions reports must be submitted according to the applicable deadline given in Condition 79 and must not be withheld from the Department until the deadline for submittal of an operating report. This condition supplements the reporting requirements of this permit. The certification statement through electronic signature and options for submittal provide paperless options for reporting without compelling Permittees to any specific means of submission.

Condition 77, Submittals

Legal Basis: This condition applies because the Permittee is required to send reports to the Department and supplements the standard reporting and notification requirements of this permit.

Factual Basis: The Department used the language in SPC XVII, adopted by reference under 18 AAC 50.346(b)(10), for the permit condition. This condition lists the Department's appropriate address for reports and written notices. This condition states that the Department requires one certified copy of submitted reports (except as otherwise required by the Department or other conditions of the permit) and provides an allowance for either electronic or hard copy document submittals. The condition also directs the Permittee to refer to the submission instructions on the Department's Standard Permit Conditions webpage for additional information regarding document submittals (e.g., the appropriate Department address).

Condition 78, Information Requests

Legal Basis: All operating permits must include a condition that requires the Permittee to furnish certain information upon request, per 18 AAC 50.345(i). The requirement is part of the SIP approved by EPA.

Factual Basis: The requirement in 18 AAC 50.345(i) is a Standard Permit Condition that must be included in each operating permit, as specified in 18 AAC 345(a). This condition requires the Permittee to submit information requested by the Department.

Condition 79, Excess Emission and Permit Deviation Reports

Legal Basis: This condition requires the Permittee to comply with the requirements in 18 AAC 50.235(a)(2) and 18 AAC 50.240(c). 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 used the language in SPC III, adopted by reference under 18 AAC 50.346(b)(2), for the permit condition. The Department used the notification form in SPC IV adopted by reference under 18 AAC 50.346(b)(3), for the notification requirements (see Section 13) for the notification requirements.

Condition 80, Operating Reports

Legal Basis: The condition specifies reporting requirements as required by 40 C.F.R. 71.6(a)(3)(iii)(A) which the Department has adopted by reference under 18 AAC 50.040(j)(4).

Factual Basis: The Department used the language in SPC VII, adopted by reference under 18 AAC 50.346(b)(6), for the permit condition. The condition restates the requirements for reports listed in regulation. The condition supplements the specific reporting requirements identified elsewhere in the permit.

The condition specifies that for the transition periods between an expiring permit and a renewal permit, the Permittee shall ensure that there is date-to-date continuity between the expired permit and the renewal permit such that the Permittee reports against the permit terms and conditions of the permit that was in effect during those partial date periods of the transition. No format is specified. The Permittee may provide one report accounting for each permit term or condition and the effective permit at that time. Alternatively, the Permittee may choose to provide two reports: one accounting for reporting elements of permit terms and conditions from the end date of the previous operating report until the date of expiration of the old permit, and a second operating report accounting for reporting elements of terms and conditions in effect from the effective date of the renewal permit until the end of the reporting period.

Condition 81, Annual Compliance Certification

Legal Basis: This condition requires compliance with the requirements in 40 C.F.R. 71.6(c)(5), which the Department adopted by reference under 18 AAC 50.040(j).

Factual Basis: This condition specifies the periodic compliance certification requirements and specifies a due date for the annual compliance certification.

Condition 81.2 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 annual compliance certification report. The Permittee may submit the required report electronically at their discretion.

Condition 82, Emission Inventory Reporting

Legal Basis: This condition requires the Permittee to submit emissions data to the state so the state is able to satisfy the federal requirement to submit emission inventory data from point sources to the EPA as required under 40 C.F.R. 51.15 and 51.321. The emission inventory requirement applies to sources defined as point sources in 40 C.F.R. 51.50. The state must

report emissions data as described in 40 C.F.R. 51.15 and the data elements in Tables 2a and 2b to Appendix A of 40 C.F.R. 51 Subpart A to EPA.

Factual Basis: The Department used the language in SPC XV, as adopted by reference under 18 AAC 50.346(b)(8), for the permit condition.

The emission inventory data is due to EPA 12 months after the end of the reporting year (40 C.F.R. 51.30(a)(1) and (b)(1)). Permittees have until April 30th to compile and submit the data to the Department. To expedite the Department's process of transferring data into EPA's electronic reporting system, the Department encourages Permittees to submit the emission inventory through the Department's electronic emission inventory submission system in the Permittee Portal on the Department's Air Online Services webpage <http://dec.alaska.gov/Applications/Air/airtoolsweb/>. A myAlaska account and profile are needed to gain access to the Permittee Portal. Other options are to submit the emission inventory via mail, email, or fax.

Detailed instructions on completing and submitting the emission inventory and the report form are available at the Point Source Emission Inventory page <http://dec.alaska.gov/Applications/Air/airtoolsweb/PointSourceEmissionInventory> by clicking the Emission Inventory Instructions button. The emission inventory instructions and report form may also be obtained by contacting the Department.

To ensure that the Department's electronic system reports complete information to the National Emissions Inventory, Title V stationary sources are required to submit with each report emissions data described in 40 C.F.R. 51.15 and the data elements in Tables 2a and 2b to Appendix A of 40 C.F.R. 51 Subpart A, as applicable. Title V stationary sources with potential annual emissions greater than or equal to any of the emission thresholds shown in Condition 82.1 for Type A (large) sources, as listed in Table 1 to Appendix A of 40 C.F.R. 51 Subpart A, are required to report emission inventory data every year for the previous calendar year (also known as the inventory year). For triennial inventory years, Type A sources only need to submit one report, not both an annual report and a separate triennial report.

Title V stationary sources with potential annual emissions greater than or equal to any of the emission thresholds for Type B (small) sources shown in Condition 82.2.a (for attainment and unclassifiable areas) and Condition 82.2.b (for nonattainment areas), as listed in Table 1 to Appendix A of 40 C.F.R. 51 Subpart A, are required to report emission inventory data every third year (i.e., triennially) for the previous inventory year. The emission thresholds for nonattainment areas listed in Condition 82.2.b vary depending on the nonattainment status of the area. As of June 9, 2017, Fairbanks and North Pole urban area have been designated by the federal administrator as "serious nonattainment" for PM_{2.5}. Therefore, a stationary source located in Fairbanks and North Pole urban area is subject to the triennial reporting requirement if its potential to emit is greater than or equal to any of the threshold values in Conditions 82.2.b(i), 82.2.b(ii), 82.2.b(iii) (PM₁₀ only), and 82.2.b(iv).

As of the issue date of this permit, the Westward Dutch Harbor Seafood Processing Facility is a Type B stationary source.

Condition 83, NSPS and NESHAP Reports

Legal Basis: The Permittee is required to provide the Department a copy of each report submitted to EPA as required for emissions units subject to NSPS or NESHAP federal

regulations under 18 AAC 50.326(j)(4). Appendix A to 40 C.F.R. 70 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 84, Permit Applications and Submittals

Legal Basis: 40 C.F.R. 71.10(d)(1), adopted by reference by the Department under 18 AAC 50.040(j)(7), requires submission of a copy of each permit application to EPA.

Factual Basis: The Department used the language in SPC XIV, adopted by reference under 18 AAC 50.346(b)(7), for the permit condition. The condition directs the applicant to send a copy of each application for modification or renewal of this permit to the EPA. The information may be submitted in electronic format, if practicable. This condition shifts the burden of compliance with 40 C.F.R. 71.10(d)(1) from the Department to the Permittee as allowed under 40 C.F.R. 71.10(d)(1).

Conditions 85 through 87, Permit Changes and Revisions Requirements

Legal Basis: The Permittee is obligated to notify the Department of certain off-permit source changes and operational changes under 18 AAC 50.326(j)(4). 40 C.F.R. 71.6(a)(8), (12), and (13), incorporated by reference under 18 AAC 50.040(j), require that these provisions be included in operating permits.

Factual Basis: 40 C.F.R. 71.6(a)(12) and (13), as reflected in Conditions 86 and 87, respectively, specify changes that may be made without a permit revision, and 40 C.F.R. 71.6(a)(8) (Condition 85) states permit revisions are not required for some emissions trading and similar programs.

The Permittee did not request trading of emission increases and decreases as described in 40 C.F.R. 71.6(a)(13)(iii); therefore, language addressing these provisions has not been included in this permit as part of Condition 85.

Condition 88, 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 accordance with the operating permit program. The obligations for a timely and complete operating permit application are in 40 C.F.R. 71.5(a) – (c), adopted by reference in 18 AAC 50.040(j)(3), and 18 AAC 50.326(c).

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 40 C.F.R. 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 remits 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, as long as an application has been submitted within the timeframe specified 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.

Conditions 89 through 94, General Compliance Requirements and Schedule

Legal Basis: These conditions require compliance with the applicable requirements in 18 AAC 50.345(b) through (d) and (h) and 40 C.F.R. 71.6(c)(3). As stated in 18 AAC 50.345(a), the requirements in 18 AAC 50.345(b) through (d) and (h) are Standard Permit Conditions that must be included in all operating permits issued by the Department.

Factual Basis: These are Standard Permit Conditions for compliance required for all operating permits.

Conditions 95 and 96, Permit Shield

Legal Basis: These conditions require compliance with the requirements in 40 C.F.R. 71.6(f), which the Department has adopted by reference under 18 AAC 50.040(j)(4). These requirements apply because the Permittee has requested that the Department shield the stationary source from specific non-applicable requirements listed under this condition.

Factual Basis: Conditions 95.1 and 95.2 of Operating Permit No. AQ0433TVP04 shows the permit shield that the Department granted to the Permittee. The permit conditions set forth the requirements that the Department determined were not applicable to the stationary source at the time of permit issuance. The Department based the determinations on the permit application, past operating permit, Title I permits, and inspection reports. Should any of the shielded requirements become applicable during the permit term, the Permittee is required to take necessary steps to comply with all applicable requirements in a timely manner.

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*): SO₂ NO_x TRS H₂S CO Opacity

Reporting period dates: From _____ to _____

Company: _____

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

ATTACHMENT A

SITE SPECIFIC MONITORING PLAN

ATTACHMENT B

DAILY NO_x EMISSIONS ESTIMATION CALCULATION PROCEDURE

ATTACHMENT C

PREVENTATIVE MAINTENANCE AND OPERATIONS (PMO) PLAN
