

**Alaska Department of Environmental Conservation**

**Air Permits Program**

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**Trident Seafoods Corporation**

**Akutan Seafood Processing Facility**

**STATEMENT OF BASIS**

**of the terms and conditions for**

**Permit No. AQ0231TVP02**

**Revision 2**

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## INTRODUCTION

This document sets forth the statement of basis for the terms and conditions of Operating Permit No. AQ0231TVP02.

## STATIONARY SOURCE IDENTIFICATION

Section 1 of Operating Permit No. AQ0231TVP02 contains information on the stationary source as provided in the Title V permit application

The Akutan **Seafood Processing Facility** is a stationary source that processes crab, cod, and pollock into edible products by cleaning and freezing in preparation for shipping. The stationary source is owned and operated by Trident Seafoods Corporation. The SIC code for this stationary source is 2091 and 2092.

## PROCESS DESCRIPTION

The stationary source contains numerous diesel generators, boilers, and a fish meal plant. The stationary source is located near the community of Akutan in the Aleutian Islands. The stationary source is self-sufficient with regards to power generation and all of the processes. The plant unloads raw fish and crab from fishing vessels at its loading dock. The cod is cleaned and salted for shipment. Pollock is cleaned and processed into surimi for shipment. The crab is cleaned and frozen for shipment. Waste from all of these processes is converted to fish meal in the fish meal plant and prepared for shipment.

## EMISSION UNIT INVENTORY AND DESCRIPTION

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

The emission units at the Akutan **Seafood Processing Facility** that are classified and have specific monitoring, recordkeeping, and reporting requirements are listed in Table A of Operating Permit No. AQ0231TVP02.

Table A of Operating Permit No. AQ0231TVP02 contains information on the emission units regulated by this permit as provided in the application. The table is provided for informational and identification purposes only. Specifically, the source rating/size provided in the table is not intended to create an enforceable limit.

## EMISSIONS

A summary of the potential to emit (PTE)<sup>10</sup> and assessable PTE as indicated in the application from the Stationary Source is shown in the table below.

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

Pollutant	NOx	CO	PM	SO <sub>2</sub>	VOC	Total
Potential Emissions (TPY)	240.0	183.7	13.5	154.1	42.0	633.3

<sup>10</sup> *Potential to Emit or PTE* means the maximum quantity of a release of an air pollutant, considering a stationary source's physical or operational design, based on continual operation of all emission units within the stationary source for 24 hours a day, 365 days a year, reduced by the effect of pollution control equipment and approved state or federal limitations on the capacity of the stationary source's emission units or the stationary source to emit an air pollutant, including limitations such as restrictions on hours or rates of operation and type or amount of material combusted, stored, or processed as defined in AS 46.14.990(21), effective 1/18/97.

Pollutant	NOx	CO	PM	SO <sub>2</sub>	VOC	Total
Assessable Emissions (TPY)	240.0	183.7	13.5	154.1	0	591.3

The potential to emit was determined from the Construction Permit No. 231CP03 and the maximum emissions from the emission unit inventory of the stationary source as shown in Table 1, Table 2, and Table 3 of Section 1 of Operating Permit No. AQ0231TVP02. The minor permit No. AQ0231MSS01 application showed a net increase in PM-10 and SO<sub>2</sub> emissions and the result was added in Table I. The emission factors were derived from a mixture of AP-42, source test data, mass balance calculations, and vendor data. The assessable PTE listed under Condition 89.1 is the sum of the emissions of each individual regulated air pollutant for which the stationary source has the potential to emit quantities greater than 10 TPY. The emissions listed in Table I are estimates that are for informational use only. The listing of the emissions does not create an enforceable limit to the stationary source.

### BASIS FOR REQUIRING AN OPERATING PERMIT

In accordance with AS 46.14.130(b), an owner or operator of a Title V source<sup>11</sup> must obtain a Title V permit consistent with 40 C.F.R. Part 71, as adopted by reference in 18 AAC 50.040.

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

- (1) A major source;
- (2) A stationary source subject to federal new source performance standards or national emission standards;
- (3) Another stationary source designated by the federal administrator by regulation.

This stationary source is further classified under 18 AAC 50.326(a) and 40 CFR 71.3(a) as

- a) Directly emitting, or has the potential to emit, 100 tpy or more of any air pollutant,

### AIR QUALITY PERMITS

#### Previous Air Quality Permit to Operate

The Department issued Air Quality Control Permit to Operate No. 9325-AA001 on June 26, 1995. This permit included all construction authorizations issued through June 26, 1995, and was issued before January 18, 1997 (the effective date of the new divided operating and construction-permitting program). All stationary source-specific requirements established in this previous permit are included in the renewal operating permit as described below.

#### Title I (Construction and Minor) Permits

The Department issued prevention of significant deterioration (PSD) avoidance Construction Permit No. 9825-AC010 on November 24, 1999; Permit No. 231CP02 on December 9, 2003; and Permit No. 231CP03 (which rescinded Permit No. 231CP02) on January 10, 2005. On May 12, 2005, and September 28, 2005 Trident requested an administrative revision to Permit No. 231CP03 to correct typographical errors. On March 1, 2007, Trident submitted a minor permit application revise the construction permit to substitute a different engine model for previously authorized units, upgrade the electrical generating capacity of one engine and revise conditions within the Title V permit.

<sup>11</sup> "Title V source" means a stationary source classified as needing a permit under AS 14.130(b) [ref. 18 AAC 50.990(111)].

### **Initial Title V Operating Permit Application, Revision and Renewal History**

The initial Title V operating permit application was received by the Department on December 5, 1997, and was superseded by the changes allowed in the Construction Permit No. 9825-AC010. The application was deemed incomplete on February 4, 1998, and additional information was received on March 23, 1998. The initial Title V operating permit was issued August 9, 2000 and was based on both the Construction Permit No. 9825-AC010 and Permit to Operate No. 9325-AA001.

Permit No. 231TVP01 Administrative Revision 1 was issued on November 20, 2000 to correct a typographical error. Permit No. 231TVP01 Administrative Revision 2 was issued on December 20, 2002 to update the condition concerning emission fees in the permit to the standard permit condition for emission fees which was adopted by reference into 18 AAC 50 effective May 3, 2002.

On May 2, 2003, Trident requested Revision 3 of the operating permit to incorporate terms and conditions established in Construction Permit No. 231CP03, Revision 1 (with administrative revision request to correct typographical errors submitted on May 12, 2005). On February 7, 2005, Trident requested Revision 4 of the permit to allow an administrative revision for the replacement of Unit ID 23 with a like-in-kind unit (a Cleaver Brooks 21-MMBtu/hr boiler, model CB 189-500, SN L-52745, manufacturer date August 23, 1971, fuel rate 149.5 gal/hr, and maximum pressure 150 psi with a Cleaver Brooks 21-MMBtu/hr boiler, model CB 200-500-150, SN L-62902, manufacturer date April 20, 1977, fuel rate 149.5 gal/hr, maximum pressure 150 psi). On December 5, 2005, the Department issued Revision 2 to Construction Permit No. 231CP03 (administrative), to further correct typographical errors in the permit, as request by Trident on September 28, 2005. Operating Permit AQ0231TVP02 incorporated the Construction Permit 231CP03, Revisions 1 and 2 as well as the like-kind replacement of Unit 23. Operating Permit AQ0231TVP02, Revision 2 incorporates the current permit standard format, allows for the different operating scenarios (substitutes a different engine model for previously authorized units, upgrade the electrical generating capacity of one engine) and incorporates the provisions and requirements of the minor permit AQ0231MSS01.

### **Renewal Title V Operating Permit History**

The owner or operator submitted a renewal Title V operating permit application on February 3, 2005. This application was deemed complete on May 17, 2005.

#### **Minor Revision 1**

The Department issued the renewal Title V permit without including the updates indicated in the response to comments. The owner appealed the permit, requesting 58 different changes to the permit. The Department had already agreed to approximately 45 of those changes in the response to comments and now has included them in this revision. In addition, this revision covers the following changes that the Department does not consider significant. The remaining items from the owner's appeal required a Title I permit that is incorporated in Revision 2 of the operating permit.

Emission units 10 and 11 are insignificant on an emission rate basis as defined in 18 AAC 50.326(e). This revision now identifies the appropriate monitoring, recordkeeping, and reporting requirements for these emission units. Six conditions were affected by this change.

NO<sub>x</sub> source testing conditions previously included fuel sulfur testing. This was not consistent with the original requirements from the Title I permit. Removal of these requirements is not a significant reduction in monitoring as routine monitoring for fuel sulfur is covered under other permit conditions.

The Department reduced the frequency of sulfur testing for fish oil to an appropriate level based on the Department's knowledge of the naturally low sulfur content. The Department also removed an unnecessary sulfur calculation for blended fuels.

The Department clarified that the requirements for sampling ports and platforms to only apply to units capable of operating with SCR. This requirement originated with a Title I permit. While the language in the renewal permit was consistent with the Title I permit, the context had changed significantly.

The Department removed a condition for one time sludge sampling as the requirement has been met.

The Department removed a condition that was an unnecessary restatement of permitting requirements for construction and modification.

## **Revision 2**

This amendment incorporates the provisions and conditions of Title I permit AQ0231MSS01. The Title I permit allows Trident to operate under five different scenarios. The Permittee is allowed a change in operating scenario in one direction and cannot move back to previous operations once it changes. The Title I permit also authorizes the Permittee to upgrade the generating capacity and substitute a different model engine for previously authorized changes.

Revision 2 also updates the permit to current permit format and standard condition language.

## **COMPLIANCE HISTORY**

The Trident Akutan Seafood Processing Facility was constructed and first went into operation in June 1982. The plant processed crab, halibut, turbot, salmon, cod, and pollock into surimi. When the plant was first placed online, it consisted of three Caterpillar D379 diesel generators, fish and crab processing equipment, and two Johnston 516 AC steam boilers. The first plant was severely damaged by fire on June 9, 1983, and was rebuilt in 1984. One additional Caterpillar D3512 diesel engine was added in 1985 and another in 1988. The Pedar Halvorsen furnace was installed in 1988. In 1989 through 1990, there was a plant expansion which included four additional Caterpillar D3512A generators, a fish meal plant, and two Cleaver Brooks Model CB 400 boilers. All of this construction and new equipment additions were performed without obtaining any type of air quality control or PSD permits.

In July 1990, Trident submitted its first application for an air quality control permit to operate for the Akutan Seafood Processing Facility. At that time, the Department determined that the stationary source had added new equipment since the plant had originally started operating. Since the potential to emit for the plant was in excess of 250 tons per year of NO<sub>x</sub>, the Department informed Trident that a PSD application and permit would be required. In April 1991, a Compliance Order by Consent (COBC No. 91-266-0921) was issued to Trident for their Akutan Seafood Processing operation. Starting in April 1991, the stationary source operated under the compliance order while preparations were being made for the submittal of a PSD application. The COBC imposed fuel limits and required an air permit, meteorological monitoring, heat recovery system, and fuel feasibility study. The COBC also required Trident to halt operation of the Cleaver Brooks boilers until permit issuance. It was later determined that only operation of one boiler was ceased, no heat recovery system was installed, and no fuel feasibility study was conducted.

By April 1994, Trident decided against PSD and submitted a PSD avoidance application. The application requested a permit to operate the stationary source with operational limits to keep the potential emissions of NO<sub>x</sub> below 250 tons per year. In May 1994, a Caterpillar D3516B 1,655 kW diesel generator was installed. On June 26, 1995, Air Quality Control Permit to Operate No. 9325-AA001 was issued with limits on fuel consumption and fuel sulfur content to avoid PSD and to comply with the ambient air quality standards. On August 2, 1995, the Department issued Permit No. 9325-AA001 Amendment 1 for installation of another boiler; on August 23, 1995, the Department issued Permit No. 9325-AA001 Amendment 2 for modifications of ambient air quality signs; on April 3, 1996, the Department issued Permit No. 9325-AA001 Amendment 3 for burning of used oil in specific boilers.

In October 1996, a Cleaver Brooks CB500 steam boiler was installed. Again, there was no construction or PSD permit involved. On January 7, 1997, the Department issued Permit No. 9325-AA001

Amendment 4 for installation of an electric generator. In September 1997, a construction permit application was submitted to increase the amount of fuel allowed to be burned at the stationary source and to increase the sulfur content of the fuel burned. During the process of evaluating this permit application, additional changes were made to the diesel-electric generators at the stationary source by converting three of the six Caterpillar D3512A engines into low NOx emitting (“B” series) engines and adding a Caterpillar D3508B compressor engine. All of these changes were incorporated into the Construction Permit No. 9825-AC010 issued on November 24, 1999. This construction permit allowed the increase in fuel and fuel sulfur content while still maintaining PSD avoidance by keeping NOx emissions below the 250 tons per year threshold.

Between November 1999 and August 2000 (issuance of initial Title V permit), Trident operated under the construction permit and operating permit application shield. During that period, Trident made several changes to the diesel-electric generators at the stationary source by converting the engines into low NOx emitting units. From COBC signing until operating permit issuance, Trident Akutan received numerous notices of violations and warning letters from the Department regarding exceedances of fuel and NOx limits, exceedances of fuel sulfur content, high opacity incidents, and installing equipment prior to notification.

On December 5, 2002, Trident and the Department entered into Consent Decree No. 1JU-02-1073C1. The consent decree was filed in Alaska court on December 13, 2002 and is in effect until August 31, 2005. The consent decree was a result of the Department two notices of violations (NOV No. 01-324-40-1958 on July 25, 2001 and NOV No. 01-470-40-2018 on October 10, 2001) and was based on the determination that Trident had violated Operating Permit No. 231TVP01, Construction Permit No. 9825-AC010, and Permit to Operate No. 9325-AA001.

The consent decree listed several remedial measures including installation of selective catalytic reduction to control NOx emissions and submittal of a construction permit application, both of which have been fulfilled. All remedial measures required by the consent decree have been completed, although the consent decree remained open until August 31, 2005.

**STATIONARY SOURCE-SPECIFIC REQUIREMENTS CARRIED FORWARD**

Table J below lists the old requirement (condition) and the new condition that carries over the old requirement into the new permit.

In addition, the Department has incorporated each term and condition of Minor Permit No. AQ0231MSS01 into Permit No. AQ0231TVP02 Revision 2.

**Table J. Comparison of Permit No. AQ0231TVP02 Revision 1 to Revision 2.**

Permit No. 231TVP02 Rev. 1 Conditions	Description of Requirement	Permit No. 231TVP02 Rev. 2 Conditions	How Condition was Revised
1, 2	Assessable Emission	89,90	Moved
3, 4	Modification and Engine Installation Authorization	1 through 15	Follows AQ0231MSS01 authorizations and operating Scenarios.
6	Visible Emissions	16-22	Moved and updated to recent standard and MRR
7	Particulate Matter	23-28	Moved and updated to recent standards and MRR
8	Sulfur Standards	29	Moved and updated to recent standards and MRR

<b>Permit No. 231TVP02 Rev. 1 Conditions</b>	<b>Description of Requirement</b>	<b>Permit No. 231TVP02 Rev. 2 Conditions</b>	<b>How Condition was Revised</b>
9	Incinerator		Incorporated in Standard Conditions
10 & 11	Incinerator and Mercury	67 & 68	Moved to Federal Standards
12 & 13	Used and Fish Oil Authorization	30 & 31	Moved and incorporated AQ0231MSS01 provisions
14	Fish Meal Plant Requirements	32	Moved
15	EMS system	39	Moved
16	PSD Classification for NO <sub>x</sub>	41 and 54	Moved and updated with AQ0231MSS01 provisions
17	SCR Requirements	48	Moved and updated with AQ0231MSS01 provisions
18	NO <sub>x</sub> Analyzer	51	Moved and updated with AQ0231MSS01 provisions
19	PSD Classification for SO <sub>2</sub>	52 through 64	Moved and updated with AQ0231MSS01 provisions for each operating Scanario. MRR added
20	General AQ Provisions	53 and 54	Moved
21	Posting of Warning Signs	Removed	
22	NO <sub>x</sub> Ambient Air Protection	41 and 54	Moved and updated with AQ0231MSS01 provisions
23	SO <sub>2</sub> Ambient Air Protection	52 through 64	Moved and updated with AQ0231MSS01 provisions for each operating Scanario. MRR added
24	PM-10 Ambient Air Protection	53	Incorporated into facility-wide conditions per AQ0231MSS01
Section 6	Insignificant Emission Units		Included with state requirements
29	Asbestos	97	Moved
30	Refrigerant	98	Moved
31	Good Air Pollution Control	91	Moved
32	Dilution	92	Moved
33	Fugitive Dust	93	Moved
34	Stack Injection	94	Moved
35	Open Burning	99	Moved
36	Air Pollution Prohibited	95	Moved
37	Tech Based Emissions	96	Moved
38	Permit Renewal	122	Moved
Section 8	Source Test	Section 6	Moved and updated with new format

<b>Permit No. 231TVP02 Rev. 1 Conditions</b>	<b>Description of Requirement</b>	<b>Permit No. 231TVP02 Rev. 2 Conditions</b>	<b>How Condition was Revised</b>
Section 9	General Record Keeping and reporting	Section 7	Moved and updated with new format
Section 10	Standard Conditions not otherwise included in the Permit	Section 10	Section renamed to following standard permit format
Section 11	Permit Shields	Section 10	Remains the same
Section 12	VE and PM Monitoring Plan	Include with the condition	MRR is under Conditions for VE and PM
Section 13	VE emission Forms	Section 12	Updated Form
Section 14	Emission Data		

## STATEMENT OF BASIS FOR THE PERMIT CONDITIONS

The state and federal regulations for each condition are cited in Operating Permit No. AQ0231TVP02 Revision 2. The Statement of Basis provides the legal and factual basis for each term and condition as set forth in 40 C.F.R. 71.6(a)(1)(i).

### Condition 1 Alternative Operating Scenarios.

**Legal Basis:** The Permittee is required to comply with those air quality control provisions that apply during these alternative operating scenarios under 40 CFR 71.6 incorporated by reference in 18 AAC 50.040(j). The Permittee intends to use an alternative operating scenario subject to air quality operating permit requirements.

**Factual Basis:** Condition 1 authorizes the stationary source to operate under different scenarios. These scenarios are based on the installation and operation of different equipment. The Permittee is required to notify the Department of the selected scenario and is not allowed to return to a previous scenario.

### Conditions 2 through 15 Authorization to install or upgrade equipment based on Operating Scenario

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

These conditions are carried forward from the Construction Permit No. 231CP03 and are restated as incorporated into Title I permit No. AQ0231MSS01. These conditions assure avoidance of PSD classification.

**Factual Basis:** These conditions are carried forward from Construction Permit No. 231CP03 and are restated in Title I permit No. AQ0231MSS01 to allow Trident to install new or replacement equipment. These conditions assure avoidance of PSD classification.

### Condition 16 through 22 Visible Emissions Standard and MR&R

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

- 18 AAC 50.055(a) applies to the operation of fuel-burning equipment and industrial processes. EU IDs 1 – 29a and 31 through 34 are fuel burning equipment or industrial processes.
- 18 AAC 50.050 (a) applies to the operation of incinerators. EU ID 30 is an incinerators.

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

**Factual Basis:** Condition 16 prohibits the Permittee from causing or allowing visible emissions in excess of 18 AAC 50.055(a)(1). This Condition also establishes the initial Method 9 visible emission reading for each new or revised emission unit as required by the Title I permit.

Condition 17 applies federal and State visible emissions standards to each solid waste incinerator. The Permittee shall not cause or allow the equipment to violate these standards.

Visible emission monitoring, record-keeping and reporting is the same for both applicable requirements. The Permittee must monitor, record-keep and report emissions in accordance with Conditions 18 through 22 of the permit.

Conditions 18 - 22 MR&R conditions are standard conditions adopted into regulation pursuant to AS 46.14.010(e). The Department adopted this standard condition on November 9, 2008.

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

#### **Liquid Fired Fuel Burning Equipment:**

Monitoring – The visible emissions may be observed by either Method-9 or the Smoke/No Smoke plans as detailed in Condition 18. Corrective actions such as maintenance procedures and either more frequent or less frequent testing may be required depending on the results of the observations.

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

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

#### **Incinerator Visible Emissions MR&R**

The Permittee is required to monitor, record and report according to Condition 17.2.

No specific MR&R is mandated and therefore MR&R follows the same requirements for other fuel burning equipment.

#### **Conditions 23 and 24 - 25, 26 - 28, Particulate Matter (PM) Standard**

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

- EU ID(s) 1 – 29a and 31 through 34 are fuel-burning equipment.

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

**Factual Basis:** Condition 23 prohibits emissions in excess of the state PM (also called grain loading) standard applicable to fuel-burning equipment and industrial processes. The Permittee shall not cause or allow fuel-burning equipment or industrial processes to violate this standard. Condition 23 also requires the Permittee to perform initial source testing on new and revised equipment to demonstrate compliance with the State's particle matter standard.

MR&R requirements are listed in Conditions 24 - 25, and 26 - 28 of the permit.

The Permittee must establish by actual visual observations which can be supplemented by other means, such as a defined Operation and Maintenance Program, to demonstrate continuous compliance with the State's emission standards for particulate matter.

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

**Liquid Fired:**

For liquid fuel units the MR&R conditions are Standard Condition IX adopted into regulation pursuant to AS 46.14.010(d). The Department adopted this standard condition on November 9, 2008.

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

**Condition 29, Sulfur Compound Emission Standard**

**Legal Basis:** This condition requires the Permittee to comply with the sulfur compound emission standard for all fuel-burning equipment and industrial processes in the State of Alaska.

- EU IDs 1 – 29a and 31 through 34 are fuel-burning equipment and industrial processes.

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

**Factual Basis:** The condition re-iterates a sulfur emission standard applicable to fuel-burning equipment. The Permittee may not cause or allow their equipment to violate this standard.

Sulfur dioxide comes from the sulfur in the liquid, hydrocarbon fuel (e.g. diesel or No. 2 fuel oil). Fuel containing no more than 0.75 percent sulfur by weight will always comply with the emission standard.

The Title I Permit No. AQ0231MSS01 has limits that are more restrictive on sulfur emissions, in addition to the State Standard for sulfur; the permittee must meet the monitoring, recording, and reporting requirements of the permit for PSD avoidance. The fuel burning equipments and industrial processes will use fuel with a sulfur content of no greater than 0.35 percent by weight, which will be reduced upon installation of replacements units (phases 1-4).

For semi-annual operating reports, records of the fuel sulfur content will be submitted, as well as reporting excess emissions.

**Condition 30 and 31, Used and Fish Oil Authorization.**

**Legal Basis:** These conditions are a Title I requirement as written in Permit No. AQ0231MSS01.

**Factual Basis:** The stationary source is allowed to use a blend of liquid fuels including fish oil, fuel oil and used oil. The blending of fuels are required to comply with state PM standards.

Condition 30 specifies requirements for burning used oil at the stationary source in only boilers and heaters. The Permittee shall remember that used oil is fuel that is limited and monitored as set out by Condition 30. In addition, although this condition should ensure compliance with the applicable emission standards of 18 AAC 50, this permit does NOT ensure compliance with other applicable state or federal laws concerning management, use, or disposal of used oil.

The permit lists blending, testing, recording, and reporting requirements. The Department imposed a requirement to blend at a ratio of no more than 1 part used oil with 6 parts virgin oil to comply with the particulate matter standard. However, the Permittee must still test for sulfur and ensure that the ratio of used oil with comply with the sulfur limit.

**Condition 32, Fishmeal Plant Requirement.**

**Legal Basis:** This condition is carried forward from Permit to Operate No. 9325-AA001.

**Factual Basis:** This requirement is carried over from the previous permit to operate. They require the Permittee to monitor and report the hours of operation and fuel consumption for the fish meal dryer (Unit ID 12) and physically verify and record that the seawater pumps are operating prior to startup of the fishmeal plant dryer and while the fish meal plant is operated.

**Condition 33, Portable Generator Allowances.**

**Legal Basis:** This condition is a Title I requirement as written in Permit No. AQ0231MSS01.

**Factual Basis:** Requires the stationary source to limit the total output of the non-road engines to avoid PSD status.

**Condition 34, 35, 37, 38 and 40. General Conditions – All Phases of Operation.**

**Legal Basis:** These conditions are Title I requirements as written in Permit No. AQ0231MSS01.

**Factual Basis:** Requires the stationary to maintain equipment, report installation of new equipment, process and comply with provisions of AS 46.14 and 18 AAC 50.

**Condition 36, Selective Catalytic Reduction (SCR) Installation Authorization.**

**Legal Basis:** This condition is a Title I requirement as written in Permit No. AQ0231MSS01.

**Factual Basis:** Authorizes the installation of SCR units and allows the stationary source to add additional SCR units at the Permittee's discretion.

**Condition 39, Environmental Management System.**

**Legal Basis:** This condition is a Title I requirement as written in Permit No. AQ0231MSS01 and Consent Decree No. 1JU-02-1073C1.

**Factual Basis:** Requires the Permittee to update and revise the air quality control obligations. The EMS plan must be completed and submitted to the Department within 60 days of operating permit effective date. This condition ensures that the Permittee has an environmental management plan to manage air quality permitting requirements and regulations.

**Condition 41, NOx PSD Avoidance**

**Legal Basis:** This condition is carried over from Title I Permit No. AQ0231MSS01 to avoid classification as PSD.

**Factual Basis:** The permit imposed a 240 TPY limit on NOx emissions to avoid being classified as a PSD major stationary source. Emissions of NOx are limited by the installation of SCR technology as well as through operational limits. The construction permit imposed monitoring of fuel consumption, hours of operation, and load to calculate NOx emissions. The condition requires calculation of emission on a monthly and 12-month rolling total basis to determine compliance with this requirement. The permit also imposes a source testing requirement if NOx emissions exceed 235 TPY.

#### **Condition 48, SCR Requirements**

**Legal Basis:** This condition is carried over from Title I Permit No. AQ0231MSS01.

**Factual Basis:** The permit imposed a 240 TPY limit on NO<sub>x</sub> emissions to avoid being classified as a PSD major stationary source. Emissions of NO<sub>x</sub> are limited by the installation of SCR technology as well as through operational limits. Each SCR system shall be installed and operated in accordance with the Department-approved SCR Operating System QA/QC Plan, including having spare catalyst bed, and spare parts. The SCR NO<sub>x</sub> removal effectiveness is determined using a hand-held analyzer at least every seven operating days. If NO<sub>x</sub> emissions exceed 230 TPY, the hand-held analyzer shall be used on a daily basis.

#### **Condition 51, Engine Exhaust NO<sub>x</sub> Analyzer**

**Legal Basis:** This condition is carried over from Title I Permit No. AQ0231MSS01.

**Factual Basis:** The permit imposed a 240 TPY limit on NO<sub>x</sub> emissions to avoid being classified as a PSD major stationary source. Emissions of NO<sub>x</sub> are limited by the installation of SCR technology as well as through operational limits. The SCR NO<sub>x</sub> removal effectiveness is determined using a hand-held analyzer. The hand-held analyzer shall be installed and operated in accordance with the Department-approved NO<sub>x</sub> Monitoring System QA/QC Plan. In addition, the analyzer relative accuracy will be determined before each use.

#### **Condition 52, SO<sub>2</sub> PSD Avoidance**

**Legal Basis:** This condition is carried over from Title I Permit No. AQ0231MSS01 to avoid classification as PSD.

**Factual Basis:** The stationary source shall emit less than 250 TPY of SO<sub>2</sub> emissions to avoid being classified as a PSD major stationary source. The condition requires calculation of emission on a monthly and 12-month rolling total basis to determine compliance with this requirement.

#### **Condition 53 and 54, General Ambient Air Quality Provisions**

**Legal Basis:** These conditions are carried over from Title I Permit No. AQ0231MSS01 to protect ambient air quality for NO<sub>2</sub>, SO<sub>2</sub>, and PM-10.

**Factual Basis:** The permit requires the stationary source operate in accordance with the public access control plan, including the ambient air quality boundary. Trident shall not change the boundary of the controlled area without Department approval.

#### **Condition 55 through 59, Additional Ambient Air Quality Provisions**

**Legal Basis:** These conditions are carried over from Title I Permit No. AQ0231MSS01 to protect ambient air quality for SO<sub>2</sub>.

**Factual Basis:** The permit requires that the stationary source operate in accordance with sulfur limits for each operating scenario.

#### **Condition 60, Fuel Sulfur Monitoring Provisions**

**Legal Basis:** This condition is a Title I Permit No. AQ0231MSS01 requirement to protect ambient air quality for SO<sub>2</sub>,

**Factual Basis:** This condition requires the Permittee to obtain certifications on fuel sulfur content or to calculate mixtures of fuel sulfur using provided formulas.

### **Condition 61, Incinerator Fuel Consumption Monitoring**

**Legal Basis:** This condition is a Title I Permit No. AQ0231MSS01 requirement to protect ambient air quality for SO<sub>2</sub>,

**Factual Basis:** This condition requires the stationary source monitor and record the incinerator fuel consumption.

### **Condition 62, Excess Emissions Reporting for Fuel Sulfur and Incinerator Fuel use.**

**Legal Basis:** This condition is a Title I Permit No. AQ0231MSS01 requirement to protect ambient air quality for SO<sub>2</sub>,

**Factual Basis:** This condition requires the stationary source to report as an excess emissions whenever limits for sulfur or Incinerator fuel use are exceeded.

### **Condition 63, Reporting Requirements**

**Legal Basis:** This condition is a Title I Permit No. AQ0231MSS01 requirement.

**Factual Basis:** This permit condition requires the stationary source to report collected data in the facility operations report.

### **Condition 64, Insignificant Units**

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

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

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

Condition 64 requires certification that the units did not exceed state emission standards during the previous year and did not emit any prohibited air pollution.

### **Condition 67, Standards of Performance for Commercial and Industrial Solid Waste Incinerators**

**Legal Basis:** These requirements apply to incinerators constructed after November 30, 1999 that burn commercial and industrial waste.

**Factual Basis:** The incinerator is exempt from this subpart because it is a municipal waste combustor that burns greater than 30 percent municipal solid waste or refuse-derived fuel and has the capacity to burn less than 35 tons per day of municipal solid waste or refuse-derived fuel. With this exemption, the stationary source notified EPA that the unit meets these criteria and keeps records on a calendar quarter basis of the weight of municipal solid waste burned, and the weight of all other fuel and waste burned in the unit. This recordkeeping requirement does not have to be imposed by an operating permit, but was carried over from Construction Permit No. 231CP03.

### **Condition 68, National Emission Standard for Mercury**

**Legal Basis:** These requirements apply to emission units that incinerate or dry wastewater treatment plant sludge.

**Factual Basis:** The incinerator is subject to this subpart because it incinerates wastewater treatment plant sludge. The subpart requires the stationary source to test for mercury using a stack test method or sludge sampling method. On February 5, 2005, Trident submitted to EPA a 30-day

notification required under 40 C.F.R. 61.54(b) of Trident's intent to conduct sludge sampling for mercury. The sampling took place during an effective 24-hour period on March 17-28, 2005, in accordance with EPA Method 105 procedures (sludge testing) of Appendix B of 40 C.F.R. 61. Mercury emissions were found to be 0.00012 kg/day, which is below the standard of 3.2 kg/day, and less than the threshold that would require further monitoring. The sampling results and calculations were submitted to EPA and the Department on April 7, 2005. Thus, no further sludge sampling or stack testing is required.

### **Conditions 69 through 84, Subpart III, Compression-Ignition ICE Requirements**

**Legal Basis:** These conditions ensure compliance with the applicable requirement in 18 AAC 50.040(a)(2). These requirements apply to operation of all compression ignition internal combustion engines subject to 40 C.F.R. 60.4200(a)(3).

- EU ID *4c, 6c, 28a, 29a, 33, and 34* are subject to this subpart

The Department has incorporated by reference the NSPS effective July 11, 2006, for specific sources, as listed in 18 AAC 50.040.

**Factual Basis:** Subpart III contains the general requirements applicable to all new compression ignition internal combustion engines subject to NSPS. In general, the intent of NSPS is to provide technology-based emission control standards.

New engines installed at a later date will have passed the NSPS applicability criteria, thus they will be affected sources and subject to various provisions of this Subpart.

Monitoring, recordkeeping and reporting requirements are provided in the likelihood that an ICE EU becomes subject to this condition.

### **Conditions 85 - 87, Standard Terms and Conditions**

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

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

### **Conditions 88 Administration Fees**

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

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

### **Conditions 89 - 90 Emission Fees**

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

**Factual Basis:** These emission fee conditions are standard condition I under 18 AAC 50.346(b) adopted pursuant to AS 46.14.010(d). The Department determined that these standard conditions adequately meet the requirements of AS 46.14.250. No emission unit or stationary source operational or compliance factors indicate that unit-specific or stationary-source specific conditions would better

meet these requirements. Therefore, the Department concluded that the standard conditions meet the requirements of AS 46.14.250.

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

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

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

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

The Department modified the standard condition to correct Condition 90.1 such that it referenced "submitted" (i.e., postmarked) rather than "received" in accordance with the timeframe of Condition 90.1.

### **Condition 91, Good Air Pollution Control Practices**

**Legal Basis:** This condition ensures compliance with the applicable requirement in 18 AAC 50.346(b)(5) and applies to all emission units, **except** those subject to federal emission standards, those subject to continuous emission or parametric monitoring, and for insignificant emission units.

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

The Department adopted this condition under 18 AAC 50.346(b) as Standard operating Permit Condition VI pursuant to AS 46.14.010(d). The Department determined that this standard condition adequately meets the requirements of 40 CFR 71.6(a)(3). No emission unit or stationary source operational or compliance factors indicate that unit-specific or stationary-source specific conditions would better meet these requirements. Therefore, the Department concluded that the standard condition meets the requirements of 40 CFR 71.6(a)(3).

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

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

### Condition 92, Dilution

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

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

### Condition 93, Reasonable Precautions to Prevent Fugitive Dust

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

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

### Condition 94, Stack Injection

**Legal Basis:** This condition ensures compliance with the applicable requirement in 18 AAC 50.045(e)-(f). It prohibits the Permittee from releasing materials other than process emissions, products of combustion, or materials introduced to control pollutant emissions from a stack (i.e. disposing of material by injecting it into a stack). Stack injection requirements apply to the stationary source because the stationary source contains a stack or source constructed or modified after November 1, 1982.

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

### Condition 95, Air Pollution Prohibited

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

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

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

### Condition 96, Technology-Based Emission Standards

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

**Factual Basis:** The conditions of this permit list applicable technology-based emission standards and require excess emission reporting for each standard in accordance with Condition 113. Excess emission reporting under Condition 113 requires information on the steps taken to minimize emissions. Monitoring of compliance for this condition consists of the report required under Condition 113.

### Condition 97, Asbestos NESHAP

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

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

### Condition 98, Refrigerant Recycling and Disposal

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

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

### Condition 99, Open Burning

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

**Factual Basis:** No specific monitoring is required for this condition. Condition 99 requires the Permittee to keep "sufficient records" to demonstrate compliance with the standards for conducting open burning, but does not specify what these records should contain.

More extensive monitoring and recordkeeping is not warranted because the Permittee does not conduct open burning as a routine part of their business. Also, most of the requirements are prohibitions, which are not easily monitored. Additional monitoring is achieved through Condition 95, which requires a record of complaints.

### Condition 100, Requested Source Tests

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

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

### Conditions 101 - 103, Operating Conditions, Reference Test Methods, Excess Air Requirements

**Legal Basis:** These conditions ensure compliance with the applicable requirement in 18 AAC 50.220(b) and apply because the Permittee is required to conduct source tests by this permit.

**Factual Basis:** The Permittee is required to conduct source test as set out in Conditions 101 through 103. These conditions supplement the specific monitoring requirements stated elsewhere in this permit. Compliance monitoring with Conditions 101 through 103 consist of the test reports required by Condition 108

### Condition 104, Test Exemption

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

**Factual Basis:** As provided in 18 AAC 50.345(a), amended May 3, 2002, 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 105 - 108, Test Deadline Extension, Test Plans, Notifications and Reports

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

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

### Condition 109, Recordkeeping Requirements

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

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

### Condition 110, Certification

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

**Factual Basis:** This standard condition is required in all operating permits under 18 AAC 50.345(j).

This condition requires the Permittee to certify all reports submitted to the Department. To ease the certification burden on the Permittee, the condition allows the excess emission reports to be **certified** with the stationary source report, even though it must still be **submitted** more frequently than the

stationary source operating report. This condition supplements the reporting requirements of this permit.

#### **Condition 111, Submittals**

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

**Factual Basis:** This condition lists the Department's appropriate address for reports and written notices. Receipt of the submittal at the correct Department office is sufficient monitoring for this condition. This condition supplements the standard reporting and notification requirements of this permit.

#### **Condition 112, Information Requests**

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

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

#### **Condition 113, Excess Emission and Permit Deviation Reports**

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

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

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

##### *Section 13 Notification Form*

The Department modified the notification form, deviating from standard permit condition IV, to more adequately meet the requirements of Chapter 50, Air Quality Control. The modification consisted of updating the current Department e-mail address in the report form used for submission of the form due to recent changes at the Department.

#### **Condition 114, Operating Reports**

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

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

The Department used the Standard Permit Condition VII as adopted into regulation on August 20, 2008. For reporting, MR&R conditions are Standard Permit Condition VII adopted into regulation pursuant to AS 46.14.010(d). The Department determined that these standard conditions adequately meet the requirements of 40 CFR 71.6(a)(3)(iii)(A). No emission unit or stationary source operational or compliance factors indicate that unit-specific or stationary-source specific conditions would better meet these requirements. Therefore, the Department concluded that the standard conditions meet the requirements of 40 CFR 71.6(a)(3).

### Conditions 116, Annual Compliance Certifications

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

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

Condition 116.2 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 and the effective permit at that time, or may chose 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 may submit one of the required copies electronically at their discretion. This change more adequately meets the requirements of 18 AAC 50 and agency needs, as the Department can more efficiently distribute the electronic copy to staff in other locations.

### Condition 117, NSPS and NESHAP Reports

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

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

### Condition 118, Permit Applications and Submittals

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

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

### Conditions 119 - 121, 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 CFR 71.6(a)(10), (12), and (13) incorporated by reference under 18 AAC 50.040(j) require these provisions within this permit. 40 CFR 70 Appendix A documents that EPA fully approved the Alaska operating permit program effective November 30, 2001.

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

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

### Condition 122, Permit Renewal

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

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

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

### Condition 123 - 124, Permit Applications

**Legal Basis:** These conditions set out the protocol the Permittee must follow to submit amendment, modification and renewal applications to the Department under 18 AAC 50.326(j)(3) and to the Federal Administrator under 40 CFR 71.5, 71.7 and 71.10.

**Factual Basis:** These conditions direct the Permittee to submit application materials to the Department's Anchorage office. The current address at time of permit issuance is provided in a footnote because it may change during the life of this permit. The current address can be obtained by contacting the Department, checking the website, or by other reasonable means. The Permittee may submit copies of application materials in electronic formats compatible with ADEC software as the Department can more efficiently distribute the electronic copy to staff in other locations. Condition

124 directs the applicant to send copies of all application materials directly to the EPA, in electronic format if practicable.

**Conditions 125 - 130, General Compliance Requirements and Schedule**

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

**Factual Basis:** These are standard conditions for compliance required for all operating permits.

**Conditions 131 and 132, Permit Shield**

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

**Factual Basis:** Table F of Operating Permit No. AQ0231TVP02 shows the permit shields 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.