



## AIR OPERATING PERMIT

Puget Sound Clean Air Agency  
1904 3<sup>rd</sup> Ave. – Suite 105  
Seattle, Washington 98101

Issued in accordance with the provisions of Puget Sound Clean Air Agency Regulation I, Article 7 and Chapter 173-401 WAC.

Pursuant to Puget Sound Clean Air Agency Regulation I, Article 7, and Chapter 173-401 WAC, Franz Seattle Division - 6<sup>th</sup> Ave. is authorized to operate subject to the terms and conditions in this permit.

<b>PERMIT NO.:</b> 11285	<b>DATE OF ISSUANCE:</b> June 13, 2012 <b>Administrative Amendment: June 27, 2016</b> <b>Administrative Amendment: February 26, 2020</b>
<b>ISSUED TO:</b> Franz Seattle Division – 6 <sup>th</sup> Ave.	
<b>PERMIT EXPIRATION DATE:</b> June 13, 2017	


SIC Code: 2051  
Primary Nature of Business: Manufacture of breads


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## I. EMISSION LIMITS AND PERFORMANCE STANDARDS

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

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 When the EPA does approve the new requirement by adopting it into the SIP, the old requirement will be replaced and superseded by the new requirement.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

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

The fifth column (Monitoring, Maintenance & Recordkeeping Method) identifies the methods described in Section II of the permit. Following these methods is required to “reasonably assure continuous compliance” with, and is an enforceable requirement of, this air operating permit. Note that all inspections, tests, and other actions must be documented (see Subsection V.O for specific requirements).

The sixth (Emission Standard Period) column identifies the averaging time for the reference test method. The last column (Reference Test Method) identifies the reference method associated with an applicable emission limit that is to be used when a source test is required. In some cases where the applicable requirement does not cite a test method, one has been added.

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

**A. FACILITY WIDE EMISSIONS LIMITS**

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

**Table 1 Facility-Wide Applicable Requirements**

<b>Reqmt. No.</b>	<b>Enforceable Requirement</b>	<b>Adoption or Effective Date</b>	<b>Requirement Paraphrase (Information Only)</b>	<b>Monitoring, Maintenance &amp; Recordkeeping Method (See Section II)</b>	<b>Emission Standard Period</b>	<b>Reference Test Method</b>
I.A.1	WAC 173-400-040  WAC 173-400-040(1) (STATE ONLY)	09/20/93  04/01/11	All emission units are required to use RACT.	No monitoring required	N/A	N/A
I.A.2	Puget Sound Clean Air Agency Reg I: 9.03 (except for 9.03(e))  Puget Sound Clean Air Agency Reg. I: 9.03 (STATE ONLY)  WAC 173-400-040(1)  WAC 173-400-040(2) (STATE ONLY)	03/11/99  03/25/04  09/20/93  04/01/11	Shall not emit air contaminants in excess of 20% opacity for a period or periods aggregating more than 3 minutes in any hour	II.A.1(a) Opacity monitoring  II.A.1(c) Facility-wide Inspections	More than 3 min in any 1 hr	Ecology Reference Method 9A  07/12/90  (See Section IX.A)
I.A.3	Puget Sound Clean Air Agency Reg I: 9.09	04/09/98	Shall not emit particulate matter in excess of 0.05 gr/dscf from equipment used in a manufacturing process	II.A.1(a) Opacity monitoring	Average of 3 1-hr runs	Puget Sound Clean Air Agency Method 5  (See Section IX.A)

<b>Reqmt. No.</b>	<b>Enforceable Requirement</b>	<b>Adoption or Effective Date</b>	<b>Requirement Paraphrase (Information Only)</b>	<b>Monitoring, Maintenance &amp; Recordkeeping Method (See Section II)</b>	<b>Emission Standard Period</b>	<b>Reference Test Method</b>
I.A.4	WAC 173-400-060 WAC 173-400-060 (STATE ONLY)	03/22/91  02/10/05	Shall not emit particulate matter in excess of 0.1 gr/dscf uncorrected for excess air from general process units.	II.A.1(a) Opacity monitoring	Average of 3 1-hr runs	EPA Method 5  (40 CFR Part 60, Appendix A, October 17, 2000)
I.A.5	WAC 173-400-050(1) WAC 173-400-050(1) (STATE ONLY)	03/22/91  04/01/11	Shall not emit particulate matter in excess of 0.1 gr/dscf from combustion and incineration units.  Shall not emit particulate matter in excess of 0.2 gr/dscf.	II.A.1(a) Opacity monitoring	Average of 3 1-hr runs	EPA Method 5  (40 CFR Part 60, Appendix A, October 17, 2000)
I.A.6	Puget Sound Clean Air Agency Reg I: 9.07  WAC 173-400-040(6), first paragraph of (6) WAC 173-400-040(7) (STATE ONLY)	04/14/94  09/20/93  04/01/11	Shall not emit SO <sub>2</sub> in excess of 1,000 ppmv (dry) corrected to 7% O <sub>2</sub> for fuel burning equipment	II(f) Fuel Burning Equipment	Average of 3 1-hr runs	EPA Method 6C (See 40 CFR Part 60, Appendix A, September 13, 2010)
I.A.7	Puget Sound Clean Air Agency Reg I: 9.10(a) (STATE ONLY)	06/09/88	Shall not emit HCl in excess of 100 ppm (dry) corrected to 7% O <sub>2</sub> for combustion sources	No monitoring required	Average of 3 1-hr runs	EPA Method 26 or 26A (40 CFR Part 60, Appendix A; September 13, 2010)

Reqmt. No.	Enforceable Requirement	Adoption or Effective Date	Requirement Paraphrase (Information Only)	Monitoring, Maintenance & Recordkeeping Method (See Section II)	Emission Standard Period	Reference Test Method
I.A.8	Puget Sound Clean Air Agency Reg I: 9.11 <i>(STATE ONLY)</i> WAC 173-400-040(5) WAC 173-400-040((6) (STATE ONLY). RCW 70.94.040 (STATE ONLY)	03/11/99  09/20/93  04/01/11  1980	Shall not cause or allow the emission of any air contaminant from any source if it is detrimental to the health, safety, or welfare of any person, or causes damage to property or business.	II.A.1(b) Complaint response II.A.1(c) Facility-wide inspections	N/A	N/A

Reqmt. No.	Enforceable Requirement	Adoption or Effective Date	Requirement Paraphrase (Information Only)	Monitoring, Maintenance & Recordkeeping Method (See Section II)	Emission Standard Period	Reference Test Method
I.A.9	Puget Sound Clean Air Agency Reg I: 9.15	03/11/99	<p>It shall be unlawful for any person to cause or allow visible emissions of fugitive dust unless reasonable precautions are employed to minimize the emissions.</p> <p>Reasonable precautions include, but are not limited to, the following:</p> <p>(1) The use of control equipment, enclosures, and wet (or chemical) suppression techniques, as practical, and curtailment during high winds;</p> <p>(2) Surfacing roadways and parking areas with asphalt, concrete, or gravel;</p> <p>(3) Treating temporary, low-traffic areas (e.g., construction sites) with water or chemical stabilizers, reducing vehicle speeds, constructing pavement or rip rap exit aprons, and cleaning vehicle undercarriages before they exit to prevent the track-out of mud or dirt onto paved public roadways; or</p> <p>(4) Covering or wetting truck loads or allowing adequate freeboard to prevent the escape of dust-bearing materials</p>	<p>II.A.1(b) Complaint response</p> <p>II.A.1(c) Facility-wide inspections</p> <p>II.A.1(e) Fugitive Dust, Track-Out, and Odor Bearing Contaminants</p>	N/A	N/A
I.A.10	<p>WAC 173-400-040(3) &amp; (8)</p> <p>WAC 173-400-040(4) &amp; (9) (STATE ONLY)</p>	<p>09/20/93</p> <p>04/01/11</p>	<p>Shall take reasonable precautions to prevent release of fugitive dust</p>	<p>II.A.1(b) Complaint response</p> <p>II.A.1(c) Facility-wide inspections</p> <p>II.A.1(e) Fugitive Dust, Track-Out, and Odor Bearing Contaminants</p>	N/A	N/A



Reqmt. No.	Enforceable Requirement	Adoption or Effective Date	Requirement Paraphrase (Information Only)	Monitoring, Maintenance & Recordkeeping Method (See Section II)	Emission Standard Period	Reference Test Method
I.A.11	Puget Sound Clean Air Agency Reg I: 9.20  RCW 70.94.152(7) (STATE ONLY)	06/09/88  1996	Must maintain equipment in good working order	II.A Minimum Monitoring, Maintenance & Recordkeeping Requirements  II.B Operation and Maintenance (O&M) Plan Requirements	N/A	N/A
I.A.12	Puget Sound Clean Air Agency Reg I: 7.09(b)  Puget Sound Clean Air Agency Reg I: 7.09(b) (STATE ONLY)	09/10/98  09/25/08	Must develop and implement an O&M Plan to assure continuous compliance with Puget Sound Clean Air Agency Regulations I, II and III	II.A Minimum Monitoring, Maintenance & Recordkeeping Requirements  II.B Operation and Maintenance (O&M) Plan Requirements	N/A	N/A
I.A.13	WAC 173-400-040(5) (STATE ONLY)	04/01/11	Must use recognized good practice and procedures to reduce odors which may unreasonably interfere with any other property owners' use and enjoyment of their property	II.A.1(b) Complaint response  II.A.1(e) Fugitive Dust, Track-Out, and Odor Bearing Contaminants	N/A	N/A
I.A.14	WAC 173-400-040(3) (STATE ONLY)	04/01/11	Shall not deposit particulate matter beyond property boundary in sufficient quantity to interfere unreasonably with the use and enjoyment of the property	II.A.1(b) Complaint response  II.A.1(c) Facility-wide inspections  II.A.1(e) Fugitive Dust, Track-Out, and Odor Bearing Contaminants	N/A	N/A

N/A = Not Applicable

**B. EMISSION UNIT SPECIFIC APPLICABLE REQUIREMENTS**

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

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

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

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

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

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

<b>Reqmt. No.</b>	<b>Federally Enforceable Requirement</b>	<b>Adoption or Effective Date</b>	<b>Requirement Paraphrase (Information Only)</b>	<b>Monitoring &amp; Recordkeeping Method (See Section II)</b>	<b>Emission Standard Reference Test Method</b>
EU 1.1	Puget Sound Clean Air Agency Reg I: 9.09	04/09/98	Shall not emit particulate matter in excess of 0.05 gr/dscf	II.A.1(a) Baking Process and Steam Generating Units	Puget Sound Clean Air Agency Method 5 (See Section IX)
EU 1.2	Puget Sound Clean Air Agency Reg I: 9.03 (except for 9.03(e))  Puget Sound Clean Air Agency Reg. I: 9.03 (STATE ONLY)  WAC 173-400-040(1)  WAC 173-400-040(2) (STATE ONLY)	03/11/99  <i>03/25/04</i>  09/20/93  <i>04/01/11</i>	Shall not emit air contaminants in excess of 20% opacity for a period or periods aggregating more than 3 minutes in any hour	II.A.1(a) Baking Process and Steam Generating Units	Ecology Method 9A (See Section IX.A)
EU 1.3	Puget Sound Clean Air Agency Reg I: 7.09(b)  Puget Sound Clean Air Agency Reg I: 7.09(b) (STATE ONLY)	09/10/98  <i>9/25/08</i>	Must develop and implement an O&M Plan to assure continuous compliance with Puget Sound Clean Air Agency Regulations I, II and III	II.A Minimum Monitoring, Maintenance & Recordkeeping Requirements  II.B Operation and Maintenance (O&M) Plan Requirements	
EU 1.4	Puget Sound Clean Air Agency Reg I: 9.20  RCW 70.94.152(7) (STATE ONLY)	06/09/88  <i>1996</i>	Maintain equipment in good working order.	II.A.1(a) Baking Process and Steam Generating Units  II.B.1 General Facility-wide O&M Plan	

General requirements of Section I.A. also apply.

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

This emission unit consists of boilers that are used for generating steam and indirect fired baking ovens at Division of United States Bakery, Franz Northern Division – 6<sup>th</sup> Ave. (Franz Seattle Division - 6th Ave.):

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

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

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

<b>Reqmt. No.</b>	<b>Federally Enforceable Requirement</b>	<b>Adoption or Effective Date</b>	<b>Requirement Paraphrase (Information Only)</b>	<b>Monitoring &amp; Recordkeeping Method (See Section II)</b>	<b>Emission Standard Reference Test Method</b>
EU 2.1	Puget Sound Clean Air Agency Reg I: 9.03 (except for 9.03(e))  Puget Sound Clean Air Agency Reg. I: 9.03 (STATE ONLY)  WAC 173-400-040(1)  WAC 173-400-040(2) (STATE ONLY)	03/11/99  <i>03/25/04</i>  09/20/93  <i>04/01/11</i>	Shall not emit air contaminants in excess of 20% opacity for a period or periods aggregating more than 3 minutes in any hour	II.A.1(a) Baking Process and Steam Generating Units	Ecology Method 9A (See Section IX.A)
EU 2.2	Puget Sound Clean Air Agency Reg I: 9.09	04/09/98	Shall not emit particulate matter in excess of 0.05 gr/dscf from equipment used in a manufacturing process.	II.A.1(a) Baking Process and Steam Generating Units	Puget Sound Clean Air Agency Method 5 (See Section IX.A)
EU 2.3	Puget Sound Clean Air Agency Reg I: 7.09(b)  Puget Sound Clean Air Agency Reg I: 7.09(b) (STATE ONLY)	09/10/98  <i>9/25/08</i>	Must develop and implement an O&M plan to assure continuous compliance with Puget Sound Clean Air Agency Regulations I, II, and III.	II.A Minimum Monitoring, Maintenance & Recordkeeping Requirements  II.B.1 General Facility-wide O&M Plan	
EU 2.4	Puget Sound Clean Air Agency Reg I: 9.20  RCW 70.94.152(7) (STATE ONLY)	06/09/88  <i>1996</i>	Maintain equipment in good working order.	II.A.1(a) Baking Process and Steam Generating Units  II.B.1 General Facility-wide O&M Plan	

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

**3. Emission Unit #3 (EU-3): Flour Storage and Transfer**

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

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

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

**Table 4 Emission Unit # 3 (EU-3): Flour Storage and Transfer**

<b>Reqmt. No.</b>	<b>Federally Enforceable Requirement</b>	<b>Adoption or Effective Date</b>	<b>Requirement Paraphrase (Information Only)</b>	<b>Monitoring, Maintenance &amp; Recordkeeping Method (See Section II)</b>	<b>Emission Standard Period</b>	<b>Emission Standard Reference Test Method</b>
EU 3. 1	Puget Sound Clean Air Agency Reg I: 9.09	04/09/98	Shall not emit particulate matter in excess of 0.05 gr/dscf from equipment used in a manufacturing process and general process units, uncorrected for excess air	II.A.1(b) Fabric Filter Inspections	Avg of three 1-hr tests	Puget Sound Clean Air Agency Method 5 (See Section IX)
EU 3. 2	Puget Sound Clean Air Agency Reg I: 7.09(b)  Puget Sound Clean Air Agency Reg I: 7.09(b) (STATE ONLY)	09/10/98  9/25/08	Must develop and implement an O&M Plan to assure continuous compliance with Puget Sound Clean Air Agency Regulations I, II and III.	II.A Minimum Monitoring, Maintenance & Recordkeeping Requirements  II.B.1 General Facility-wide O&M Plan		
EU 3. 3	Puget Sound Clean Air Agency Reg I: 9.20  RCW 70.94.152(7) (STATE ONLY)	06/09/88  1996	Maintain equipment in good working order.	II.A.1(b) Fabric Filter Inspections		

General requirements of Section I.A. also apply.

## II. Monitoring, Maintenance and Recordkeeping Methods Description

### ***A. Minimum Monitoring, Maintenance & Recordkeeping Requirements***

No person shall render inaccurate any monitoring device or method required under chapter 70.94 RCW, or any ordinance, resolution, regulation, permit, or order in force pursuant thereto. [WAC 173-400-105(9), 04/1/11 (STATE ONLY)]

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

#### **1. Facility-wide Monitoring, Maintenance & Recordkeeping Requirements**

##### ***(a) Opacity monitoring***

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

- Take corrective action, which may include shutting down the unit or activity until it can be repaired, until there are no visible emissions (or until the unit or activity is demonstrated to be in compliance with all applicable opacity limitations in the permit using the reference test method ); or,
- Alternatively, determine opacity using the reference test method (Ecology Method 9A).

Failure to take corrective action as described above shall be reported under Section V.M Compliance certifications and V.Q.1(b) Deviation Reporting of this permit. [WAC 173-401-615(1)(b), 10/17/02; WAC 173-401-615(3)(b), 10/17/02]]

##### ***(b) Complaint response***

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

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

5) Complaints regarding other applicable requirements.

Franz Seattle Division - 6th Ave. shall investigate the complaint and determine if there was noncompliance with an applicable requirement of this permit. If it is determined that there is such noncompliance, Franz Seattle Division - 6th Ave. shall as soon as practicable but no later than within 24 hours of determination of noncompliance, either correct the problem, shut down the noncompliant operation until it is repaired or corrected, or report according to Section V.Q.4 (Report of Problems Not Corrected within 24 Hours). Failure to investigate the complaint as described above is a deviation of this permit. If noncompliance is determined, failure to either correct the noncompliance, shut down the unit or activity within 24 hours, or report according to Section V.Q.4, is a deviation of this permit and must be reported under Section V.M Compliance certifications and V.Q.1(b) Deviation Reporting of this permit.

[WAC 173-401-615(1)(b), 10/17/02; WAC 173-401-615(3)(b), 10/17/02]

*(c) Facility-wide inspections*

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

Franz Seattle Division - 6th Ave. shall, as soon as practicable, but no later than 24 hours after identification, correct any potential compliance problems with respect to applicable requirements for which this section II.A.1(c) is an applicable monitoring method for significant emission units or activities identified by these quarterly inspections, or any other time, shut down the unit or activity until the problem can be corrected, or report according to Section V.Q.4. If Franz Seattle Division - 6th Ave. observes potential compliance problems for which there are no monitoring requirements under an applicable requirement and corrects that problem within 24 hours, Franz Seattle Division - 6th Ave. does not need to report the deviation under Section V.M Compliance certifications and V.Q.1(b) Deviation Reporting and does not need to record such action under Section V.O(d) of this permit

[WAC 173-401-615(1)(b), 10/17/02; WAC 173-401-615(3)(b), 10/17/02]



**(d) Maintenance and repair of insignificant emission units**

Franz Seattle Division - 6th Ave. shall use good industrial practices to maintain insignificant emission units and equipment<sup>1</sup> not listed in this permit. For such equipment Franz Seattle Division - 6th Ave. shall also promptly repair defective equipment. Good industrial practices may include, but are not limited to, following the manufacturer's operations manual or an equipment operations schedule, minimizing emissions until the repairs can be completed, and taking measures to prevent recurrence of the problem.

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

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

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

Franz Seattle Division - 6th Ave. shall also conduct inspections to monitor for fugitive dust and track-out from the facility at least once per calendar quarter during the unloading of bulk material. If any fugitive dust or track-out is observed, Franz Seattle Division - 6th Ave. shall clean the area within 24 hours and employ preventive measures, or alternatively, shut down, within 24 hours the unit or activity at which the deviation occurs until the deviation can be corrected. Failure to take corrective action as described above shall be reported under Section V.M Compliance certifications or V.Q.1(b) Deviation Reporting of this permit.

[WAC 173-401-615(1)(b), 10/17/02, WAC 173-401-615(3)(b), 10/17/02]

**(f) Fuel Burning Equipment**

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

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

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<sup>1</sup> Puget Sound Clean Air Agency Regulation I, Section 1.07(k) states, "EQUIPMENT or EMISSIONS UNIT means any part of a stationary source or source that emits or would have the potential to emit any pollutant subject to regulation under the federal Clean Air Act, chapter 70.94 or 70.98 RCW."

## 2. Specific Monitoring

### (a) *Baking Process and Steam Generating Units*

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

- Take corrective action, which may include shutting down the boiler or oven until it can be repaired, until there are no visible emissions (or until the unit or activity is demonstrated to be in compliance with all applicable opacity limitations in the permit using the reference test method ); or,
- Alternatively, determine opacity using the reference test method (Ecology Method 9A).

Failure to take corrective action as described above shall be reported under Section V.M Compliance certifications or V.Q.1(b) Deviation Reporting of this permit.

[WAC 173-401-615(1)(b), 10/17/02 ; WAC 173-401-615(3)(b), 10/17/02]

### (b) *Fabric Filter Inspections*

Except as provided under V.P Data Recovery of this permit, Franz Seattle Division - 6th Ave. shall conduct monthly inspections of the fabric breather bags for the following:

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

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

Franz Seattle Division - 6th Ave. shall also inspect for visible emissions on a monthly basis, except as provided under V.P Data Recovery of this permit. If, during the scheduled monthly inspection visible emissions other than uncombined water are observed, Franz Seattle Division - 6th Ave. shall, as soon as possible, but no later than within 24 hours of the initial observation:

- Take corrective action, which may include shutting down the unit or activity until it can be repaired, until there are no visible emissions (or until the unit or activity is demonstrated to be in compliance with all applicable opacity limitations in the permit using the reference test method ); or,
- Alternatively, determine opacity using the reference test method (Ecology Method 9A).

Failure to take corrective action as described above shall be reported under Section V.M Compliance certifications or V.Q.1(b) Deviation Reporting of this permit. [WAC 173-401-615(1)(b), 10/17/02 ; WAC 173-401-615(3)(b), 10/17/02]

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

**1. General Facility-wide O&M Plan**

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

[Puget Sound Clean Air Agency Regulation I Section 7.09(b), 9/10/98; 9/25/08 STATE ONLY]

**2. Insignificant Emission Units**

For insignificant emission units, refer to the requirements stated in Section II.A.1.(d), Maintenance and repair of insignificant emission units of this permit. [WAC 173-401-530(2)(a), 10/17/02] [Puget Sound Clean Air Agency Regulation I, Section 9.20 (b), 06/09/88]

### **III. PROHIBITED ACTIVITIES**

Franz Seattle Division - 6th Ave. is prohibited from conducting, causing, or allowing the following activities:

#### ***A. Adjustment for Atmospheric Conditions***

Varying the rate of emissions of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant is prohibited, except as directed according to air pollution episode regulations. [WAC 173-400-205, 03/22/91]

#### ***B. Outdoor Burning***

Franz Seattle Division - 6th Ave. shall not conduct outdoor burning unless the burning is in compliance with WAC 173-425. The following types of fires are allowed, except during any stage of an air pollution episode or period of impaired air quality:

1. Recreational fires, as defined in WAC 173-425-030(21) and
2. Fires for instruction in the methods of fighting fires, provided that the person conducting the training fire complies with Puget Sound Clean Air Agency Regulation I, Section 8.07.

[Puget Sound Clean Air Agency Regulation I, Sections 8.04, 11/09/00; Puget Sound Clean Air Agency Regulation I Section 8.04, 09/25/08 (STATE ONLY); and Puget Sound Clean Air Agency Regulation I, Section 8.07, 09/09/99 (STATE ONLY)] [WAC 173-425-020(1), 04/13/00; WAC 173-425-030(21), 04/13/00; RCW 70.94.6514, 2009 c118 § 802; RCW 70.94.6528, 2009 c43 § 802; and RCW 70.94.6512(2), 2009 c118 § 802 (STATE ONLY)]

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

Franz Seattle Division - 6th Ave. shall not cause or allow the burning of combustible refuse except in a multiple chamber incinerator provided with control equipment. Franz Seattle Division - 6th Ave. shall not operate refuse burning equipment any time other than daylight hours. [Puget Sound Clean Air Agency Regulation I, Section 9.05, 12/09/93]

#### ***D. Concealment and Masking***

Franz Seattle Division - 6th Ave. shall not cause or allow the installation or use of any device or use of any means which, without resulting in a reduction in the total amount of air contaminant emitted, conceals or masks an emission of an air contaminant which would otherwise violate Puget Sound Clean Air Agency Regulation I, Article 9 or Chapter 173-400 WAC. [Puget Sound Clean Air Agency Regulation I, Section 9.13, 06/09/88 STATE ONLY; WAC 173-400-040(7), 09/20/93] [WAC 173-400-040(8), 04/01/11 (STATE ONLY)]

***E. Tampering***

Franz Seattle Division - 6th Ave. shall not render any monitoring device or method required under Chapter 70.94 RCW, or any ordinance, resolution, regulation, permit or order in force pursuant thereto [WAC 173-400-105(8), 04/01/11 (STATE ONLY)]

***F. False Statements***

Franz Seattle Division - 6th Ave. shall not make any false material statement, representation or certification in any form, notice or report required under Chapter 70.94 RCW, or any ordinance, resolution, regulation, permit or order in force pursuant thereto. [WAC 173-400-105(7), 04/01/11]

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

Franz Seattle Division - 6th Ave. shall obtain the necessary approval from Puget Sound Clean Air Agency before conducting any of the following:

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

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

[Puget Sound Clean Air Agency Regulation I, Section 6.03, 09/12/96; 40 CFR 60.7, 02/12/99; 40 CFR 60.14, 10/17/00; 40 CFR 60.15, 12/16/75; 40 CFR 63.5, 04/05/02] [Puget Sound Clean Air Agency Regulation I, Section 6.03, 09/24/09, WAC 173-460-040, 06/20/09; RCW 70.94.152, 1996 c 67 §1, 1996 c 29 §1 (STATE ONLY)]

##### **B. Replacement or Substantial Alteration of Emission Control Technology**

Franz Seattle Division - 6th Ave. shall file a Notice of Construction and Application for Approval according to WAC 173-400-114 with the Puget Sound Clean Air Agency before replacing or substantially altering any emission control technology installed at the facility.

[Puget Sound Clean Air Agency Regulation I, Section 6.03, 9/12/96] [Puget Sound Clean Air Agency Regulation I, Section 6.03, 09/24/09 (STATE ONLY); WAC 173-400-114, 09/15/01; RCW 70.94.153, 1991 c 199 p303 (STATE ONLY)]

##### **C. Asbestos**

1. Franz Seattle Division - 6th Ave. shall comply with 40 CFR 61.145 and 61.150 when conducting renovation or demolition activities at the facility. [40 CFR 61.145, 01/16/91 and 40 CFR 61.150, 09/18/03]

2. Franz Seattle Division - 6th Ave. shall comply with Puget Sound Clean Air Agency Regulation III, Article 4 when conducting any asbestos project, renovation or demolition activities at the facility.

[Puget Sound Clean Air Agency Regulation III, Article 4, 3/26/09 (STATE ONLY)]

##### **D. Spray Coating**

###### **1. Applicability**

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

## **2. Exemptions**

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

- (a) Application of architectural or maintenance coatings to stationary structures (e.g., bridges, water towers, buildings, stationary machinery, or similar structures);
- (b) Aerospace coating operations subject to 40 CFR Part 63, Subpart GG. This includes all activities and materials listed in 40 CFR 63.741(f);
- (c) Use of high-volume, low-pressure (HVLP) spray guns when:
  - (i) spray-coating operations do not involve motor vehicles or motor vehicle components;
  - (ii) the gun cup capacity is 8 fluid ounces or less;
  - (iii) the spray gun is used to spray-coat less than 9 square feet per day per facility;
  - (iv) coatings are purchased in containers of 1 quart or less; and
  - (v) spray-coating is allowed by fire department, fire marshal, or other government agency requirements.
- (d) Use of air-brush spray equipment with 0.5 to 2.0 CFM airflow and a maximum cup capacity of 2 fluid ounces, provided that persons claiming exemption from Section 9.16(e) of this regulation register with the Agency in accordance with Article 5 of this regulation and provide a copy of the current Agency registration document to each new customer before starting work at a site;
- (e) Use of hand-held aerosol spray cans with a capacity of 1 quart or less; or
- (f) Indoor application of automotive undercoating materials using organic solvents having a flash point in excess of 100°F.

## **3. General Requirements for Indoor Spray-Coating Operations**

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

## **4. General Requirements for Outdoor Spray-Coating Operations**

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

- (a) Enclosures and curtailment during high winds; and

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

## **5. Compliance with Other Regulations**

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

[Puget Sound Clean Air Agency Regulation I, Section 9.16, 07/12/01; Puget Sound Clean Air Agency Regulation I, Section 9.16, 10/28/10 (STATE ONLY)]

### ***E. Nonroad Engines***

Franz Seattle Division - 6th Ave. shall file a Notice of Intent to Operate prior to beginning operation of a nonroad engine(s) subject to the notification requirements of WAC 173-400-035 and Puget Sound Clean Air Agency Regulation I, Article 15. For installation and operation of any nonroad engine(s) with a cumulative maximum rated brake horsepower greater than 2000 bhp shall submit the required notification on forms provided by the Agency for this purpose and they shall not be operated prior to obtaining written approval for that operation from the Agency. Any nonroad engine subject to the requirements of WAC 173-400-035 and Puget Sound Clean Air Agency Regulation I, Article 15 must use ultra-low sulfur diesel (or equivalent), as defined in those regulations. If nonroad engine notifications are required under these regulations, Franz Seattle Division – 6<sup>th</sup> Ave. shall maintain records in accordance with the requirements of those regulations.

[WAC 173-400-035, 4/1/11 (STATE ONLY)] [Puget Sound Clean Air Agency Regulation I, Article 15, 2/1/12 (STATE ONLY)]



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

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

Franz Seattle Division - 6th Ave. shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of Chapter 70.94 RCW and, for federally enforceable provisions, a violation of the Federal Clean Air Act (FCAA). Such violations are grounds for enforcement action; for permit termination, revocation and re-issuance, or modification; or for denial of a permit renewal application. [Puget Sound Clean Air Agency Regulation I, Section 7.05, 10/28/93; WAC 173-401-620(2)(a), 11/04/93]

### ***B. Permit actions***

This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by Franz Seattle Division - 6th Ave. for a permit modification, revocation and re-issuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition. [WAC 173-401-620(2)(c), 11/04/93]

### ***C. Property rights***

This permit does not convey any property rights of any sort, or any exclusive privilege. [WAC 173-401-620(2)(d), 11/04/93]

### ***D. Duty to provide information***

Franz Seattle Division - 6th Ave. shall furnish to Puget Sound Clean Air Agency, within a reasonable time, any information that the Puget Sound Clean Air Agency may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, Franz Seattle Division - 6th Ave. shall also furnish to the Puget Sound Clean Air Agency copies of records required to be kept by the permit or, for information claimed to be confidential, Franz Seattle Division - 6th Ave. may furnish such records directly to EPA Region 10 along with a claim of confidentiality. The Puget Sound Clean Air Agency shall maintain the confidentiality of such information in accordance with RCW 70.94.205. [WAC 173-401-620(2)(e), 11/04/93]

### ***E. Permit fees***

Franz Seattle Division - 6th Ave. shall pay fees as a condition of this permit in accordance with Puget Sound Clean Air Agency Regulation I, Article 7. Failure to pay fees in a timely fashion shall subject Franz Seattle Division - 6th Ave. to civil and criminal penalties as prescribed in Chapter 70.94 RCW. [WAC 173-401-620(2)(f), 11/04/93]

### ***F. Emissions trading***

No permit revision shall be required, under any approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in this permit. [WAC 173-401-620(2)(g), 11/04/93]

### **G. Severability**

If any provision of this permit is held to be invalid, all unaffected provisions of the permit shall remain in effect and be enforceable. [WAC 173-401-620(2)(h), 11/04/93]

### **H. Permit appeals**

This permit or any condition in it may be appealed only by filing an appeal with the Pollution Control Hearings Board and serving it on Puget Sound Clean Air Agency within thirty days of receipt, pursuant to RCW 43.21B.310 and WAC 173-401-735. The provision for appeal in this section is separate from and additional to any federal rights to petition and review found under §505(b) of the FCAA. [WAC 173-401-620(2)(i), 11/04/93 and WAC 173-401-735, 05/03/97]

### **I. Permit continuation**

This permit and all terms and conditions contained therein, including any permit shield provided under WAC 173-401-640, shall not expire until the renewal permit has been issued or denied if a timely and a complete application has been submitted. An application shield granted under WAC 173-401-705(2) shall remain in effect until the renewal permit has been issued or denied if a timely and complete permit application has been submitted. [WAC 173-401-620(2)(j), 11/04/93]

### **J. Federal enforceability**

All terms and conditions of this permit are enforceable by the EPA administrator and by citizens under the FCAA, except for those terms and conditions designated in the permit as not federally enforceable (i.e. "STATE ONLY" [WAC 173-401-625, 11/04/93]

### **K. Inspection and entry**

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

- a) Enter Franz Seattle Division - 6th Ave.'s premises or where records must be kept under the conditions of this permit;
- b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- c) Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices or operations regulated or required under the permit; and
- d) As authorized by WAC 173-400-105 and the FCAA, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

[WAC 173-401-630(2), 11/04/93] [RCW 70.94.200, 1987 c 109 §38 (STATE ONLY)]

### **L. Compliance requirements**

- a) Franz Seattle Division - 6th Ave. shall continue to comply with all applicable requirements with which the source is currently in compliance. Franz Seattle Division - 6th Ave. shall

meet on a timely basis any applicable requirements that become effective during the permit term. [WAC 173-401-630(3), 11/04/93; WAC 173-401-510(2)(h)(iii), 06/17/94]

- b) For any applicable requirements with which Franz Seattle Division - 6th Ave. may not be currently in compliance, Franz Seattle Division - 6th Ave. shall comply with the elements of the compliance schedule established pursuant to WAC 173-401-630(3). [WAC 173-401-630(3), 11/04/93]

### **M. Compliance certifications**

Franz Seattle Division - 6th Ave. shall submit a certification of compliance with permit terms and conditions once per year for the calendar year (January 1 thru December 31). The first such certification cover the period commencing upon the date of issuance of this permit and ending on December 31. Each certification shall include:

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

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

Puget Sound Clean Air Agency	EPA Region 10, Mail Stop OAQ-107
Attn.: Operating Permits Certifications	Attn.: Air Operating Permits
1904 3 <sup>rd</sup> Ave., Suite 105	1200 6 <sup>th</sup> Ave.
Seattle, Washington 98101	Seattle, Washington 98101

[WAC 173-401-630(5), 11/04/93]

Reports to the Puget Sound Clean Air Agency shall be submitted in electronic format as an attachment to an email [[facilitysubmittal@pscleanair.org](mailto:facilitysubmittal@pscleanair.org)]. Original written documents shall also be submitted for record purposes. The date the document is received by the Puget Sound Clean Air Agency email system shall be considered the submitted date of the report. Nothing in this section waives or modifies any requirements established under other applicable regulations. [Puget Sound Clean Air Agency Regulation I, Section 7.09(c), 09/10/98, (STATE ONLY)]

### **N. Compliance Testing**

#### **1. Emission Testing**

##### **(a) General**

For the purpose of determining compliance with an emission standard, the Puget Sound Clean Air Agency or Ecology may conduct testing of an emission unit or require Franz Seattle Division - 6th Ave. to have it tested. In the event the Puget Sound Clean Air Agency or Ecology conduct

the test, Franz Seattle Division - 6th Ave. shall be given an opportunity to observe the sampling and to obtain a sample at the same time. [Puget Sound Clean Air Agency Regulation I, Section 3.05(b), 02/10/94; WAC 173-400-105(4), 09/20/93, 04/01/11 (STATE ONLY)]

Testing of sources for compliance with emissions standards shall be performed in accordance with the Reference Test Methods identified in Section I of this permit, except where this permit indicates that a specific Reference Test Method is not needed or appropriate. [Puget Sound Clean Air Agency Regulation I, Section 3.07(a), 03/23/06 (STATE ONLY)]

Franz Seattle Division - 6th Ave. shall notify Puget Sound Clean Air Agency in writing at least 21 days prior to any compliance test and provide Puget Sound Clean Air Agency an opportunity to review the test plan and to observe the test. Notification of a compliance test shall be submitted on forms provided by the Puget Sound Clean Air Agency. Test notifications using the Puget Sound Clean Air Agency forms do not constitute test plans. Compliance with this notification provision does not satisfy any obligation found in an order or other regulatory requirement to submit a test plan for Puget Sound Clean Air Agency review. Notification under Section 3.07(b) of this regulation does not waive or modify test notification requirements found in other applicable regulations. [Puget Sound Clean Air Agency Regulation I, Section 3.07(b), 03/23/06 (STATE ONLY)]

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

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

[Puget Sound Clean Air Agency Regulation I, Section 3.07(c), 03/23/06 (STATE ONLY)]

## **2. Credible Evidence**

For the purpose of submitting compliance certifications or establishing whether or not a person has violated or is in violation of this permit, nothing in Puget Sound Clean Air Agency Regulation I shall preclude the use, including the exclusive use, of any credible evidence or information relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed. [Puget Sound Clean Air Agency Reg. I, Section: 3.06, 10/08/98]

### **O. Recordkeeping**

Franz Seattle Division - 6th Ave. shall maintain the following where applicable:

- a) Records of required monitoring information that include the following:
  - i) The date, place as defined in the permit, and time of sampling or measurements;
  - ii) The date(s) analyses were performed;
  - iii) The company or entity that performed the analyses;
  - iv) The analytical techniques or methods used;
  - v) The results of such analyses; and
  - vi) The operating conditions existing at the time of sampling or measurement;[WAC 173-401-615(2), 10/17/02]
- b) Records describing changes made at the source that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and the emissions resulting from those changes [WAC 173-401-615(2), 10/17/02]
- c) Records of all monitoring data and support information required by this permit shall be retained by Franz Seattle Division - 6th Ave. for a period of five years from the date of the monitoring sample, measurement, report or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit. [WAC 173-401-615(2), 10/17/02]
- d) Franz Seattle Division - 6th Ave. shall keep records of all inspections, tests and other actions required by Section II.A.1. of this permit, including who conducted the inspection, tests or other actions; and the date and the results of the inspection, tests or other actions; and the date and the results of the inspection, tests, or other actions including corrective actions. All records required under this item will be available for Puget Sound Clean Air Agency review [Puget Sound Clean Air Agency Regulation I, Section 7.09(b), 09/10/98, 09/25/08 (STATE ONLY)]
- e) Franz Seattle Division - 6th Ave. shall keep records for all complaints received concerning odor, fugitive emissions, or nuisance relating to Section II of this permit. These records must also contain the following information:
  - i) The date and time of the complaint,
  - ii) The name of the person complaining, if known,
  - iii) The nature of the complaint, and
  - iv) The date, time and nature of any corrective action taken.

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

### **P. Data Recovery**

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

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

Franz Seattle Division - 6th Ave. shall collect at least nine of the most recent ten required records.

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

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

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

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

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

## ***Q. Reporting***

### **1. General Reports**

#### ***(a) Semiannual Operating Permit Reports***

Any monitoring reports required by this permit to be submitted to the Puget Sound Clean Air Agency shall be submitted at least once every six months (July 31<sup>st</sup> for the reporting period of January through June and by January 31<sup>st</sup> for the reporting period of July through December), or more frequently where required by an applicable requirement. All instances of deviations from permit requirements must be clearly identified in such reports. If there were

no deviations Franz Seattle Division - 6th Ave. must submit a report stating that there were no deviations. [WAC 173-401-615(3)(a), 10/17/02]

***(b) Deviation Reports***

Franz Seattle Division - 6th Ave. shall report in writing to Puget Sound Clean Air Agency Operating Permit Certification all instances of deviations from the permit requirements, including those attributable to upset conditions as defined in this permit, the probable cause of the deviations, and any corrective actions or preventive measures taken. "Deviation" means any situation in which an emission unit fails to meet a permit term or condition. Franz Seattle Division - 6th Ave. shall maintain a contemporaneous record of all deviations. Franz Seattle Division - 6th Ave. shall report any deviations to the Puget Sound Clean Air Agency that represent a potential threat to human health or safety by FAX (206-343-7522) as soon as possible but no later than 12 hours after such a deviation is discovered. Franz Seattle Division - 6th Ave. shall report other deviations in writing to Puget Sound Clean Air Agency Operating Permit Certification on a monthly basis, within 30 days after the end of the month in which the deviation is discovered. Franz Seattle Division - 6th Ave. is not required to submit a monthly report for months during which there were no deviations, except that if there are no deviations during a calendar half, Franz Seattle Division – 6<sup>th</sup> Ave. must report that there were no deviations by July 31 for the reporting period January 1 through June 30, and by January 31 for the reporting period between July 1 through December 31. [WAC 173-401-615(3)(b), 10/17/02, WAC 173-400-107(3), 9/20/93; WAC 173-400-107(3), 4/1/11 (STATE ONLY)]

For any excess emission that Franz Seattle Division – 6<sup>th</sup> Ave. wants the Puget Sound Clean Air Agency to consider unavoidable, Franz Seattle Division – 6<sup>th</sup> Ave. shall follow the procedures discussed in Section V.S, Unavoidable Excess Emissions. [WAC 173-401-615(3)(b), 10/17/02, WAC 173-400-107, 9/20/93; WAC 173-400-107, 4/1/11 (STATE ONLY)]

***(c) Reporting Certification***

Any application form, report, or compliance certification that is required to be certified by any applicable requirement or is submitted pursuant to this permit shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under this permit shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. [WAC 173-401-520, 11/04/93]

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

- Annual Air Operating Permit Compliance Certification (V.M Compliance certifications) (WAC 173-401-630(5), 11/04/93)
- Semi-annual Air Operating Permit Report (V.Q.1(a) Semiannual Operating Permit Reports) (WAC 173-401-615(3)(a), 10/17/02)
- Administrative Permit Amendment Requests (VI.B) Administrative Permit Amendments) (WAC 173-401-720, 11/04/93)

- Minor Permit Modification Application (V.I.E Permit Modification) (WAC 173-401-725, 11/04/93)
- Significant Permit Modification Application (V.I.E Permit Modification) (WAC 173-401-725, 11/04/93)

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

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

Puget Sound Clean Air Agency  
Attn.: Operating Permit Certification  
1904 3<sup>rd</sup> Avenue – Suite 105  
Seattle, Washington 98101

## 2. Annual Emission Inventory

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

1. Carbon monoxide (CO) emissions	25
2. Facility combined total of all toxic air contaminants (TAC) emissions	6
3. Any single toxic air contaminant (TAC) emissions	2
4. Nitrogen oxide (NO <sub>x</sub> ) emissions	25
5. Particulate matter (PM <sub>10</sub> ) emissions	25
6. Particulate matter (PM <sub>2.5</sub> ) emissions	25
7. Sulfur oxide (SO <sub>x</sub> ) emissions	25
8. Volatile organic compounds (VOC) emissions	25

Annual emissions rates shall be reported to the nearest whole ton per year for only those contaminants that equal or exceed the thresholds above. [Puget Sound Clean Air Agency Regulation I, Section 7.09(a), 9/10/98, 09/25/08 (STATE ONLY)]

Franz Seattle Division - 6th Ave. shall submit to the Puget Sound Clean Air Agency any additional information required by WAC 173-400-105(1) or Puget Sound Clean Air Agency Regulation III, Section 1.11. [Puget Sound Clean Air Agency Regulation III, Section 1.11, 09/24/09 (STATE ONLY)]

## 3. Method 9A Reports

Franz Seattle Division - 6th Ave shall report to the Puget Sound Clean Air Agency results of all opacity monitoring using Ecology Method 9A within 30 days after the end of the month that the measurement occurred. These reports will be certified in accordance with V.Q.1.(c) at least semi-annually. [WAC 173-401-615(3)(a), 10/17/02]



#### 4. Report of Problems not Corrected Within 24 hours

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

In addition, within 30 days after the end of the month in which the problem was reported under this section (V.Q.4), Franz Seattle Division - 6th Ave. shall also submit either:

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

All reports submitted pursuant to this Section V.Q.4 shall be certified in accordance with Section V.Q.1(c) Reporting Certification at least semi-annually.

Nothing in this Section V.Q.4 shall be construed to extend the deadlines for submitting deviation reports under Section V.Q.1(b) Deviation Reports, notifications of emergencies under Section V.R, or reports of unavoidable excess emissions under Section V.S.

[WAC 173-401-615(3), 10/17/02]

#### 5. Reporting Summary

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

**Table 5 Reporting Requirements Summary**

Name of Report	Required by	Paraphrased Frequency
Notification of Performance Test	Puget Sound Clean Air Agency Reg I: 3.07(b)	At least 21 days before the performance test is scheduled to begin.
Notification of Performance Test Results	Puget Sound Clean Air Agency Reg I: 3.07(c)	No later than 60 days after test, except for visual/opacity tests for which notification is needed no later than 30 days after test
Compliance certification	WAC 173-401-630(5)	Annually – January 31 <sup>st</sup> for the previous calendar year.  <i>Note: (This report must be submitted to both EPA and Puget Sound Clean Air Agency)</i>
Semiannual operating permit report	WAC 173-401-615(3)(a)	July 31 <sup>st</sup> for period January 1-June 30 and January 31 <sup>st</sup> for period July 1-December 31
Permit deviations which represent a potential threat to human health or safety	WAC 173-401-615(3)(b)	Within 12 hours of discovery of the deviation

Name of Report	Required by	Paraphrased Frequency
Other permit deviations including failure to repair any defective equipment	WAC 173-401-615(3)(b)	Monthly - 30 days after the end of each calendar month
Emission inventory statement	Reg. I, 7.09(a)	Annually - as specified by the Puget Sound Clean Air Agency.
Notice of emergency	WAC 173-401-645	Within 2 days of exceeding emission limits
Unavoidable excess emissions	WAC 173-400-107	As needed
Administrative permit amendment request	WAC 173-401-720	Can make change immediately on submission
Notice of changes not requiring permit revisions, including 502(b)(10) changes and SIP authorized emission trading	WAC 173-401-722	7 days prior to making a change
Notice of off permit changes	WAC 173-401-724	Contemporaneous with the change
Minor permit modification application	WAC 173-401-725	Can make change immediately after filing application
Significant permit modification application	WAC 173-401-725	As needed
PSD permit applications	WAC 173-400-141	Before construction begins
Notice of Construction and Application for Approval	Puget Sound Clean Air Agency Reg. I, article 6	Before construction begins
Asbestos project notification	Puget Sound Clean Air Agency Reg. III, section 4.03	Up to 10 days prior

**R. Emergencies**

An emergency, as defined in WAC 173-401-645(1), constitutes an affirmative defense to an action brought for noncompliance with a technology-based emission limitation if the conditions of WAC 173-401-645(3) are met.

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

1. An emergency occurred and that Franz Seattle Division - 6th Ave. can identify the cause(s) of the emergency;
2. The permitted facility was at the time being properly operated;

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

In any enforcement proceeding, Franz Seattle Division - 6th Ave. has the burden of proof to establish the occurrence of an emergency. This provision is in addition to any emergency or upset provision contained in any applicable requirement. [WAC 173-401-645, 11/04/93]

#### ***S. Unavoidable Excess Emissions***

Excess emissions due to startup or shutdown conditions, scheduled maintenance or upsets that are determined to be unavoidable under the procedures and criteria in WAC 173-400-107 shall be excused and not subject to penalty. For any excess emission that Franz Seattle Division - 6th Ave. wants the Puget Sound Clean Air Agency to consider unavoidable and excusable under WAC 173-400-107, Franz Seattle Division - 6th Ave. shall submit the information required under WAC 173-400-107. [WAC 173-400-107(2), 09/20/93; WAC 173-400-107(2), 4/1/11 (STATE ONLY)]

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

It shall not be a defense for Franz Seattle Division - 6th Ave. in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [WAC 173-401-620(2)(b), 11/04/93]

#### ***U. Stratospheric ozone and climate protection***

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

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

Franz Seattle Division - 6th Ave. may switch from any ozone-depleting substance to any alternative approved pursuant to the Significant New Alternatives Program (SNAP), 40 CFR Part 82, Subpart G, without a permit revision but shall not switch to a substitute listed as unacceptable pursuant to such program. [40 CFR 82.174, 01/13/95]

Any certified technician employed by Franz Seattle Division - 6th Ave. shall keep a copy of their certification at their place of employment. [40 CFR 82.166(1), 01/11/05]

Franz Seattle Division - 6th Ave. shall not willfully release any regulated refrigerant and shall use refrigerant extraction equipment to recover regulated refrigerant when servicing, repairing or disposing of commercial air conditioning, heating, or refrigeration systems. [40 CFR 82.154, 04/13/05] [RCW 70.94.970(2) and (4), 1991 c 199 (STATE ONLY)]

[40 CFR 82.156, 01/11/05; 40 CFR 82.158, 06/18/08; 40 CFR 82.161, 03/12/04]

#### ***V. RACT Satisfied***

Emission standards and other requirements contained in rules or regulatory orders in effect at the time of this permit issuance shall be considered RACT for the purposes of issuing this permit. [WAC 173-401-605(3), 11/04/93]

#### ***W. Risk Management Programs***

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

Three years after the date on which a regulated substance is first listed under 40 CFR 68.130; or

The date on which a regulated substance is first present above a threshold quantity in a process.

[40 CFR 68.10, 01/06/1999]

#### ***X. Definitions***

Unless otherwise defined in this permit, the terms used in this permit shall have the same meaning ascribed to them in the referenced regulation. [WAC 173-401-200, 01/01/11]

#### ***Y. Duty to supplement or correct application***

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

#### ***Z. Insignificant Emission Units and Activities***

1. Insignificant emission units and activities at Franz Seattle Division - 6th Ave. are subject to all applicable requirements set forth in Sections I.A, II.A.1, III and IV. This permit shall not require testing, monitoring, reporting or recordkeeping for insignificant emission units or activities, except as required by section II.A.1. For insignificant emission units, the testing, monitoring, reporting, or recordkeeping requirements identified are applicable once a potential air operating permit deviation issue is initially observed and continue to be applicable until the potential deviation issue is resolved. [WAC 173-401-530(2)(c), 10/17/02]

2. Where this permit does not require testing, monitoring, recordkeeping and reporting for insignificant emissions units or activities, Franz Seattle Division - 6th Ave. may certify continuous compliance if there were no observed, documented, or known instances of noncompliance during the reporting period. Where this permit requires testing, monitoring, recordkeeping and reporting for insignificant emission units or activities, Franz Seattle Division - 6th Ave. may certify continuous compliance when the testing, monitoring, and recordkeeping required by the permit revealed no violations during the period, and there were no observed, documented, or known instances of noncompliance during the reporting period. [WAC 173-401-530(2)(d), 10/17/02]
3. An emission unit or activity that qualifies as insignificant solely on the basis of WAC 173-401-530(1)(a) shall not exceed the emission thresholds specified in WAC 173-401-530(4) until this permit is modified pursuant to Section VI.E of this permit and WAC 173-401-725. [WAC 173-401-530(6), 10/17/02]

**AA. *Washington State Program for Reporting of Emissions of Greenhouse Gases***

In accordance with WAC 173-441, if Franz Seattle Division – 6th Ave. emits 10,000 metric tons of CO<sub>2</sub>e (carbon dioxide equivalents) or more per calendar year from this facility, as defined under WAC 173-441-030, Franz Seattle Division – 6th Ave. shall comply with the requirements the Washington State Program for Reporting of Emissions of Greenhouse Gases. Emission reports, if required, shall follow the reporting schedules and documentation requirements specified in WAC 173-441-050. This requirement does not apply to voluntary emission reporting as defined in WAC 173-441-030(4). [WAC 173-441, 1/1/11, STATE ONLY]

## VI. PERMIT ACTIONS

### ***A. Permit Renewal, Revocation And Expiration***

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

### ***B. Administrative Permit Amendments***

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

- a) Corrects typographical errors;
- b) Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at Franz Seattle Division - 6th Ave.;
- c) Requires more frequent monitoring or reporting by Franz Seattle Division - 6th Ave.;
- d) Allows for a change in ownership or operational control of a source where the Puget Sound Clean Air Agency determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the Puget Sound Clean Air Agency;

- e) Incorporates into the permit the terms, conditions, and provisions from orders approving notice of construction applications processed under an EPA-approved program, provided that such a program meets procedural requirements substantially equivalent to the requirements of WAC 173-401-700, 173-401-725, and 173-401-800 that would be applicable to the change if it were subject to review as a permit modification, and compliance requirements substantially equivalent to those contained in WAC 173-401-600 through 173-401-650. [WAC 173-401-720(1), 11/04/93]

## **2. Administrative permit amendment procedures**

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

- a) The Puget Sound Clean Air Agency shall take no more than sixty days from receipt of a request for an administrative permit amendment to take final action on such request, and may incorporate such changes without providing notice to the public or affected states provided that it designates any such permit revisions as having been made pursuant to this paragraph.
- b) The Puget Sound Clean Air Agency shall submit a copy of the revised permit to EPA.
- c) Franz Seattle Division - 6th Ave. may implement the changes addressed in the request for an administrative amendment immediately upon submittal of the request. [WAC 173-401-720(3), 11/04/93]

## **3. Permit shield**

The Puget Sound Clean Air Agency shall, upon taking final action granting a request for an administrative permit amendment, allow coverage by the permit shield in WAC 173-401-640 for administrative permit amendments made pursuant to part (1)(e) of this condition. [WAC 173-401-720(4), 11/04/93]

## ***C. Changes not Requiring Permit Revisions***

### **1. General**

- a) Franz Seattle Division - 6th Ave. is authorized to make the changes described in this section without a permit revision, providing the following conditions are met:
  - i) The proposed changes are not Title I modifications as defined in WAC 173-401-200(36);
  - ii) The proposed changes do not result in emissions that exceed those allowable under the permit, whether expressed as a rate of emissions, or in total emissions;
  - iii) The proposed changes do not alter permit terms that are necessary to enforce limitations on emissions from units covered by the permit; and
  - iv) Franz Seattle Division - 6th Ave. provides EPA and the Puget Sound Clean Air Agency with written notification at least seven days prior to making the

proposed changes except that written notification of a change made in response to an emergency shall be provided as soon as possible after the event.

- b) Permit attachments. Franz Seattle Division - 6th Ave. and the Puget Sound Clean Air Agency shall attach each notice to their copy of the relevant permit. [WAC 173-401-722, 10/17/02]

## **2. Section 502(b)(10) changes**

Pursuant to the conditions in subsection (1) of this section, Franz Seattle Division - 6th Ave. is authorized to make section 502(b)(10) changes (as defined in WAC 173-401-200(30)) without a permit revision.

- a) For each such change, the written notification required under subsection (1)(a)(iv) of this condition shall include a brief description of the change within the permitted facility, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.
- b) The permit shield authorized under WAC 173-401-640 shall not apply to any change made pursuant to this paragraph. [WAC 173-401-722, 10/17/02]

## **3. SIP authorized emissions trading**

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

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

## **D. Off Permit Changes**

1. Franz Seattle Division - 6th Ave. shall be allowed to make changes not specifically addressed or prohibited by the permit terms and conditions without requiring a permit revision, provided that the proposed changes do not weaken the enforceability of existing permit



- conditions. Any change that is a Title I modification or is a change subject to the acid rain requirements under Title IV of the FCAA must be submitted as a permit revision.
2. Each such change shall meet all applicable requirements and shall not violate any existing permit term or condition.
  3. Franz Seattle Division - 6th Ave. must provide contemporaneous written notice to the Puget Sound Clean Air Agency and EPA of each such change, except for changes that qualify as insignificant under WAC 173-401-530. Such written notice shall describe each such change, including the date, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change.
  4. The change shall not qualify for the permit shield under WAC 173-401-640.
  5. Franz Seattle Division - 6th Ave. shall keep a record describing changes made at Franz Seattle Division - 6th Ave. that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and the emissions resulting from those changes.
  6. When making a change under this section, Franz Seattle Division - 6th Ave. shall comply with applicable preconstruction review requirements established pursuant to RCW 70.94.152 and Puget Sound Clean Air Agency Regulation I, Article 6. [WAC 173-401-724, 11/04/93]

#### ***E. Permit Modification***

1. **Definition.** A permit modification is any revision to this permit that cannot be accomplished under provisions for administrative permit amendments under WAC 173-401-720. [WAC 173-401-725, 11/04/93]
2. **Procedures.** Minor permit modification procedures.
  - a) Criteria
    - i) Minor permit modification procedures shall be used for those permit modifications that:
      - a) Do not violate any applicable requirement;
      - b) Do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit;
      - c) Do not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis;
      - d) Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that Franz Seattle Division - 6th Ave. has assumed to avoid an applicable requirement to which Franz Seattle Division - 6th Ave. would otherwise be subject. Such terms and conditions include:
        - A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of Title I of the FCAA; and
        - An alternative emissions limit approved pursuant to regulations promulgated under Section 112(i)(5) of the FCAA;

- e) Are not modifications under any provision of Title I of the FCAA;
  - ii) Notwithstanding (a)(i) of this subsection, and subsection (3) of this section, the Puget Sound Clean Air Agency may allow the use of minor permit modification procedures for permit modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that the use of such minor permit modification procedures is explicitly provided for in the Washington state implementation plan or in applicable requirements promulgated by EPA and in effect on April 7, 1993.
  - b) Application. An application requesting the use of minor permit modification procedures shall meet the requirements of WAC 173-401-510 and shall include the following:
    - i) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;
    - ii) Franz Seattle Division - 6th Ave. suggested draft permit;
    - iii) Certification by a responsible official, consistent with WAC 173-401-520, of the truth, accuracy, and completeness of the application and that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used; and
    - iv) Completed forms for the Puget Sound Clean Air Agency to use to notify EPA and affected states as required under WAC 173-401-810 and 173-401-820.
  - c) Franz Seattle Division - 6th Ave.'s ability to make change. Franz Seattle Division - 6th Ave. may make the change proposed in its minor permit modification application immediately after it files such application provided that those changes requiring the submission of a notice of construction application have been reviewed and approved by the Puget Sound Clean Air Agency. After Franz Seattle Division - 6th Ave. makes the change allowed by the preceding sentence, and until the Puget Sound Clean Air Agency takes any of the actions specified in WAC 173-401-725(d), Franz Seattle Division - 6th Ave. must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, Franz Seattle Division - 6th Ave. need not comply with the existing permit terms and conditions it seeks to modify. However, if Franz Seattle Division - 6th Ave. fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.
  - d) Permit shield. The permit shield under WAC 173-401-640 shall not extend to minor permit modifications. [WAC 173-401-725, 11/04/93]
3. **Group processing of minor permit modifications.** Consistent with WAC 173-401-725(3), the Puget Sound Clean Air Agency may process groups of a source's applications for certain modifications eligible for minor permit modification processing. [WAC 173-401-725, 11/04/93]
4. **Significant modification procedures.**
- a) **Criteria.** Significant modification procedures shall be used for applications requesting permit modifications that do not qualify as minor permit modifications

or as administrative permit amendments. Every significant change in existing monitoring permit terms or conditions and every relaxation of reporting or recordkeeping permit terms or conditions shall be considered significant. Nothing herein shall be construed to preclude Franz Seattle Division - 6th Ave. from making changes consistent with Chapter 173-401 WAC that would render existing permit compliance terms and conditions irrelevant.

- b) Significant permit modifications shall meet all requirements of Chapter 173-401 WAC, including those for applications, public participation, review by affected states, and review by EPA, as they apply to permit issuance and permit renewal. The Puget Sound Clean Air Agency shall complete review on the majority of significant permit modifications within nine months after receipt of a complete application. [WAC 173-401-725, 11/04/93]

#### ***F. Reopening for Cause***

- 1.) **Standard provisions.** This permit shall be reopened and revised under any of the following circumstances:
  - a) Additional applicable requirements become applicable to Franz Seattle Division - 6th Ave. with a remaining permit term of three or more years. Such a reopening shall be completed not later than eighteen months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions have been extended pursuant to WAC 173-401-620(2)(j);
  - b) Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by EPA, excess emissions offset plans shall be deemed to be incorporated into the permit;
  - c) The Puget Sound Clean Air Agency or EPA determine that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit; or
  - d) The Puget Sound Clean Air Agency or EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements. [WAC 173-401-730, 11/04/93]
2. **Procedures.** Proceedings to reopen and issue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Such reopening shall be made as expeditiously as practicable. [WAC 173-401-730, 11/04/93]
3. **Notice.** Reopening under this section shall not be initiated before a notice of such intent is provided to Franz Seattle Division - 6th Ave. by the Puget Sound Clean Air Agency at least thirty days in advance of the date that the permit is to be reopened, except that the Puget Sound Clean Air Agency may provide a shorter time period in the case of an emergency. [WAC 173-401-730, 11/04/93]

## **VII. PERMIT SHIELD**

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

Nothing in this permit shall alter or affect the following:

- (1) The provisions of Section 303 of the FCAA (emergency orders), including the authority of the administrator under that section;
- (2) The liability of an owner or operator of Franz Seattle Division - 6th Ave. for any violation of applicable requirements prior to or at the time of permit issuance;
- (3) The applicable requirements of the acid rain program, consistent with Section 408(a) of the FCAA;
- (4) The ability of EPA to obtain information from a source pursuant to Section 114 of the FCAA; or
- (5) The ability of the Puget Sound Clean Air Agency to establish or revise requirements for the use of reasonably available control technology (RACT) as provided in chapter 252, Laws of 1993.

[WAC 173-401-640(4), 11/04/93]

### VIII. INAPPLICABLE REQUIREMENTS

As of the date of permit issuance, the requirements listed below do not apply to Franz Seattle Division - 6th Ave., or to the specific emissions units specified below for the reasons indicated. The permit shield applies to all requirements so identified. [WAC 173-401-640(2) 11/04/93]

Reqmt No.	Requirement	Adoption or Effective Date	Description and Reasons for Inapplicability Determination
VIII.1.	Puget Sound Clean Air Agency Regulation I, Section 9.08(a), RCW 70.94.610	04/14/94	Specific air pollution limits for combustion of fuel oil. Franz Seattle Division - 6th Ave. does not have the capability to burn fuel oil and would have to get approval from Puget Sound Clean Air Agency first to do so.
VIII.2.	Puget Sound Clean Air Agency Regulation II	As of permit date	Specific rules for VOC sources. Franz Seattle Division - 6th Ave. does not have sources subject to Regulation II and would need to get approval from Puget Sound Clean Air Agency to install any.
VIII.3.	Chapter 173-490 WAC	3/22/91	Control requirements in this section of the WAC do not apply because bakeries are not identified as affected sources.[WAC 173-490-030]
VIII.4.	Chapter 173-470, 173-474, 173-475, 173-480 and 173-481 WAC	1/1/11	Ambient air quality standards are not “applicable requirements” unless PSD is triggered [WAC 173-401-200(4)]

## **IX. APPENDICES**

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

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