



**Southwest Regional Clean Air Agency
Title V Program Review
(2nd Round)**

EPA Region 10
Final November 4, 2019

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- 1 Program Review Kickoff Letter and Information Request, April 30, 2019
- 2 Program Review Information Request Response, June 5, 2019
- 3 Title V Operating Permit System Reported Data Summary
- 4 SWCAA’s Response to the Draft Report, September 30, 2019

I. Introduction

This report documents the (2019) second review of the Southwest Regional Clean Air Agency's (SWCAA's) Title V permitting program. The first Title V program review for SWCAA was completed in September 2007.

SWCAA's Title V Program

The Southwest Regional Clean Air Agency is a local air pollution control agency with jurisdiction in five counties in southwestern Washington: Clark, Cowlitz, Lewis, Skamania and Wahkiakum. SWCAA implements the state of Washington operating permit regulations found in Washington Administrative Code 173-401, but has their own fee rules. The Environmental Protection Agency Region 10¹ granted SWCAA full approval of its title V program, effective September 12, 2001. 66 FR 42439 (August 13, 2001). A revision to Washington's Title V rules was approved, effective on January 2, 2003. 67 FR 71479 (Dec 2, 2003). We have not approved any revisions to Washington's title V program since 2003. SWCAA has revised their fee rules since 2003; these revisions did not require EPA approval.

SWCAA currently issues Title V permits to approximately 17 sources. There are four permit writers that are responsible for writing Title V permits as well as processing construction permits, inspecting sources, reviewing source test reports, reviewing emission inventories and other miscellaneous duties. Each permit writer is assigned specific sources for performing all of these responsibilities. There are other staff that provide management, administrative, enforcement and accounting support to the Title V program.

Program Review Objective and Overview

The EPA initiated Title V program reviews in response to recommendations in a 2002 Office of Inspector General audit. The objective of broader program reviews (as opposed to individual permit reviews) is to identify good practices that other agencies can learn from, document areas needing improvement and learn how the EPA can help improve state and local Title V programs and expedite permitting.

The EPA set an aggressive initial national goal of reviewing all state and local Title V programs with 10 or more Title V sources. SWCAA was one of ten Title V programs in Region 10 reviewed between 2004 and 2007. Here is the list of agencies in Region 10 reviewed in the first round along with the final report date and an approximate number of Title V sources they regulated when reviewed:

<u>Permitting Authority (first round)</u>	<u>Report Date</u>	<u>Permits</u>
Idaho Department of Environmental Quality	January 2004	59
Oregon Department of Environmental Quality	June 2006	111
Lane Regional Air Protection Agency (OR)	June 2006	19
Spokane Regional Clean Air Agency (WA)	August 2006	10
Puget Sound Clean Air Agency (WA)	September 2006	35
Washington Department of Ecology	September 2006	27
Northwest Clean Air Agency (WA)	September 2006	21
Alaska Department of Environmental Conservation	September 2006	158
Olympic Regional Clean Air Agency (WA)	September 2007	15
Southwest Clean Air Agency (WA)	September 2007	12

¹ In this report, the term "EPA" refers to the United States Environmental Protection Agency as a nationwide agency. The term "Region 10" and the first-person plural (we/us/our) refer to EPA Region 10.

In response to a follow-up review by the Office of Inspector General, the EPA also committed to repeat the reviews of all Title V programs with 20 or more Title V sources every four years beginning in 2007. The original, second-round commitment covered each of the four state programs in Region 10 (Alaska, Idaho, Oregon and Washington) as well as two local agencies in Washington (Puget Sound Clean Air Agency and Northwest Clean Air Agency). In September 2016, we fulfilled that commitment and decided to continue second-round reviews for the remaining agencies that were reviewed in the first round, but not yet reviewed for a second time.

Below is the list of agencies reviewed to date in the second round along with the final report date. All of the program review reports can be found on Region 10’s air permitting website.²

<u>Permitting Authority (second round)</u>	<u>Report Date</u>
Idaho Department of Environmental Quality	September 2007
Puget Sound Clean Air Agency (WA)	September 2008
Northwest Clean Air Agency (WA)	September 2013
Washington Department of Ecology	September 2014
Alaska Department of Environmental Conservation	September 2015
Oregon Department of Environmental Quality	September 2016
Lane Regional Air Protection Agency (OR)	September 2017
Spokane Regional Clean Air Agency (WA)	November 2018

In the first title V program review, we covered all major elements of a title V program. In the second round of program reviews, we focused on issues specific to each permitting authority’s implementation of its permitting program. Of particular interest is how each authority has addressed the concerns identified in the first review. We also considered permit issuance progress, resources, compliance assurance monitoring (which is required to be added during permit renewal for most sources) and how programs have integrated new requirements and rules into their permits and program.

To prepare for this review, Region 10 sent a letter in April 2019 requesting specific information from SWCAA (Attachment 1). Region 10 reviewed SWCAA’s emailed response (compiled as Attachment 2) which included, as requested, a staff list, financial records, and an update regarding each of the concerns raised in 2007.

Region 10 also reviewed past permit issuance data SWCAA reported to the Title V Operating Permits System (Attachment 3) and a selection of recently-issued permits. Permits issued more recently were intentionally selected for review to provide a more accurate depiction of how SWCAA’s permits have changed since the first program review. The permits reviewed include those listed in the table below, as well as six other permits for which only compliance assurance monitoring implementation was reviewed – those six permits are specifically discussed in the follow-up section for Concern C-3.

<u>Permit No.</u>	<u>Company Name & Location</u>	<u>Date Issued</u>
SW97-1-R2	City of Vancouver Westside Treatment Plant	01/25/2016
SW14-20-R0	Cowlitz County Landfill Castle Rock	10/10/2018
SW97-4-R3	Hampton Lumber Mills Randle	06/12/2018
SW18-23-R0	Weyerhaeuser Longview Lumber	06/18/2019

While on site at SWCAA’s office on July 16-17, 2019, Region 10 staff interviewed permit writing staff, finance staff and the agency management. The purpose of the interviews was to

² <https://www.epa.gov/caa-permitting/permit-program-reviews-epa-region-10>

clarify and discuss what was learned from the review of their permits and other information provided by SWCAA. Region 10 staff and SWCAA staff discussed permit issuance progress, program resources (and the fee program), general program implementation topics, and specific issues identified during the previous review of SWCAA's program including compliance assurance monitoring.

A draft report was shared with SWCAA on September 1, 2019. SWCAA replied with responses to each of the concerns raised in the draft report on September 30, 2019, and a request to discuss New Concern #4 (see Attachment 4). Region 10 held a conference call with SWCAA on October 30, 2019, discussing New Concern #4 and original Concern F-1, concluding that the two agencies understood each other on those topics. Region 10 is satisfied with SWCAA's responses to the concerns identified in the report.

Program Review Report Structure

This program review report is presented in four main sections:

- I. Introduction
- II. Follow-up to 2007 Program Review
- III. Additional Review
- IV. Summary of Concerns and Recommendations

Section I presents background information regarding SWCAA's Title V program as well as an overview of Region 10's program review plan. Section II presents Region 10's evaluation of SWCAA's progress in resolving concerns identified in the 2007 program review. Section III presents additional observations from Region 10's review of SWCAA's individual permits and other information provided. Finally, Section IV summarizes Region 10's second-round concerns and presents Region 10's recommendations for resolving any outstanding issues.

II. Follow-up to 2007 Program Review

In the initial Title V program review, finalized in September 2007, Region 10 provided observations delineated into nine separate topic areas labeled A through I. In each section, Region 10 identified good practices, concerns and other observations and asked SWCAA to respond to the concerns identified. In January 2008, SWCAA responded to Region 10 addressing the concerns identified by Region 10.

This section of the second-round program review report presents Region 10's evaluation of the progress SWCAA has made in addressing the concerns identified in the initial program review. Each of Region 10's original concerns is listed below, followed by SWCAA's 2007 responses, SWCAA's 2019 update, and, finally, Region 10's second-round (Round 2) evaluation.

Section A. Title V Permit Preparation and Content

A-1 2007 EPA Concern: Each of the permits reviewed had a different list of standard conditions or included similar standard conditions with different wording or even titles. Each of the permits appears to be missing standard provisions that should be in the permits. SWCAA should develop a list of standard provisions that they will add to all Title V permits in a consistent manner. One of the standard provisions is titled "Permit appeals." This condition describes the state appeal process, but makes no mention of the federal appeal (petition) process. If SWCAA does not think it is appropriate to add the federal appeal option to their standard provisions, they should at least explain it in the Basis Statement and in their public noticing materials.

2007 SWCAA Response: SWCAA believes its permitting process is in compliance with this comment on the use of standardized conditions. SWCAA's permit development process includes the incorporation of a consistent list of standard conditions for all of the Title V permits the agency issues. However, the list of standard conditions is updated and revised from time to time based on feedback from sources/EPA and changes in applicable regulations. Since the "upgrade" process is continual, standard conditions will be similar for permits issued in a contemporaneous time frame, but will differ from one time period to another. These differences are noticeable, and to be expected, when reviewing permits issued in different time frames. SWCAA believes it is important to maintain a standard list of conditions, and will continue this practice in the future. SWCAA agrees that it will be beneficial for sources to have the Federal appeal process cited in their Title V permits, and will begin doing so on all future permits.

2019 SWCAA Update: SWCAA considers this concern addressed. SWCAA includes each of the standard terms and conditions from WAC 173-401-620 in each permit. This includes item (i) Permit Appeals where this section makes reference to RCW 43.21B.310 and Section 505(b) of the Federal Clean Air Act.

Round 2 Evaluation: The two sections of the permits that include Standard Provisions and General Terms and Conditions were different in all four permits reviewed. The differences include the order and titles of the specific conditions, the text of certain conditions, the citations and missing conditions. Some differences can be expected over time with changing rules and policies, but that doesn't explain the differences that still exist between the permits today. SWCAA should consider adding to all permits a general reporting requirement to submit a test plan (and describing the minimum content), consistent with SWCAA 400-106. The requirement could explain what the test plan must cover and include notification/reporting details and operating rates, monitoring and

recording required during testing. SWCAA should also consider adding a provision that captures the monitoring and reporting requirement that could apply if a source concludes under WAC 173-400-720(4)(b)(iii)(D) that a modification is not subject to PSD. SWCAA should develop a consistent list of the Standard Provisions and General Terms and Conditions to include in all Title V permits. When a condition is changed, SWCAA should communicate that change to all of its permit writers to ensure all future permits remain consistent.

- A-2 2007 EPA Concern: The permits and Basis Statements reviewed included a list of emission units. In all cases, it appeared that several plant activities were not addressed by the list of emission units. In one case, a process handling cyclone and paved road traffic was missing; in another, a fuel storage tank was missing. If only facility-wide requirements apply to these missing emission units, it is not critical that they be in the permit; however, the Basis Statement should still be clear in describing all of the operations at the facility.

2007 SWCAA Response: The examples cited in this comment are pieces of equipment and/or activities that are not regulated as emission units in the respective permits (i.e., the activities are insignificant). Furthermore, Title V permits issued by SWCAA have a well defined list of equipment and activities that are regulated as emission units. Washington State's Title V rule (WAC 173-401) contains prescriptive language regarding which pieces of equipment and/or activities are considered to be insignificant emission units. While SWCAA agrees that there is value in specifically addressing selected equipment/operations, the majority of insignificant activities do not merit comment (e.g., motor vehicle exhaust, street sweeping, landscaping activities, bathroom vents, etc.). SWCAA's permitting practice has been to provide specific descriptions where deemed necessary to clarify emission unit applicability, but not provide a detailed review of every potential activity at a facility.

2019 SWCAA Update: SWCAA considers this item concern addressed. Each permit contains a list of Emission Units (EU). Each permit does not necessarily contain every piece of equipment/activity that is considered to be an insignificant emission unit (IEU). The equipment/activities identified in the concern were insignificant emission units. Categorically exempt insignificant emission units are not even required to be identified in the permit application as specified under WAC 173-401-532.

Round 2 Evaluation: Describing IEUs in the permit emission unit list and/or Basis Statement is important, as some IEUs such as road traffic can be significant particulate matter emission sources. SWCAA does a good job of noting when generally applicable requirements apply to IEUs. SWCAA has the authority to add specific monitoring, recordkeeping and reporting requirements for IEUs when necessary to assure compliance. To the extent specific compliance assurance requirements are added to the permit, the IEUs should be included in the permit emission unit list. When not included in the permit, the Basis Statement can describe which general requirements apply to IEUs and clarify whether emissions from IEUs are included in fee assessments. Other than asking SWCAA to consider our suggestions, Region 10 does not consider this a concern that warrants follow-up.

- A-3 2007 EPA Concern: While it appears that SWCAA has clearly cited the approved and unapproved versions of their regulation that are included in the permit as applicable requirements, during the on-site interviews, SWCAA staff pointed out that keeping the

regulatory citations organized has been a lot of work. They added that they may begin leaving out the approved SIP citations when they have been replaced with newer versions of regulations that were submitted to EPA several years earlier. While EPA understands SWCAA's frustration with the SIP approval backlog, it is still EPA's policy that requirements from the most recently approved SIP must be included in the permit, even if SWCAA has adopted new regulations and submitted them to EPA for approval.

2007 SWCAA Response: SWCAA's policy is to cite the most recently approved SIP in the permits. The comment by SWCAA staff was meant to highlight the difficulties posed by the incorporation of "obsolete" SIP rules, and encourage EPA to act more timely in approving SIP submittals. This difficulty may not have been identified in other agency's permits because SWCAA has noted that permits issued by other jurisdictions (including EPA Part 71 permits) often do not cite rule adoption dates, and therefore it is unclear which version of the rule is being cited (SIP versus most recent). In those cases, SWCAA meant to convey that the affected agencies may be applying the most recent version of the rule regardless of its SIP status. SWCAA attempts to identify all versions of an applicable rule in its permit citations, but is aware that some of SWCAA's SIP rules are over 10 years out of date. The SIP version of those rules often conflict with newer versions and/or new EPA requirements. In some cases, sources can not simultaneously comply with both the SIP version and the current version of a rule. Consequently, SWCAA has generally "streamlined" competing versions of each rule in favor of the most recent.

2019 SWCAA Update: SWCAA has implemented a revised method of identifying the rules and versions of those rules that are applicable. SWCAA has inserted a table with a single reference to each rule and version with all the dates in one location so it does not have to be repeated each time the rule is cited in the permit. Progress has been made in updating regulations in the SIP.

Round 2 Evaluation: SWCAA's idea to include one version of a rule in the permit and address other versions of that rule in one place in a cross-referencing table is a good one; however, it is important for SWCAA to ensure that streamlined rules are substantially the same as the rule included. In checking only a few rules, some omitted rules were not the same and should have been included separately in the permit. Also, some citations in the cross-referencing table may be in error. SWCAA should also confirm the effective dates of cited rules and clarify whether the date is the effective date of the SIP or the state/local rule. General federal rules that apply to SWCAA rather than the source, such as 40 CFR part 51 and 40 CFR part 52 (in general), are not applicable requirements. Specifically, only Subpart WW of 40 CFR part 52 should be included; that will also cover EPA's federal implementation plan for permitting greenhouse gas emissions from biomass combustion found in 40 CFR 52.2497.

A-4 2007 EPA Concern: While SWCAA's Basis Statements have some good features, they could be improved. Permitting, compliance and construction histories would be helpful; the potential to emit should be presented to support any major/minor source claims or applicability determinations that rely on it; and the applicability of requirements (CAM, NSPS, NESHAP, etc) could have been explained better in some cases. SWCAA should continue to look for ways to improve the Basis Statements.

2007 SWCAA Response: SWCAA agrees with much of this comment, and will make improvements where possible to improve look-back capability for enforcement issues and

initiatives. However, SWCAA does not agree that all of the cited elements cited in the comment belong in the Title V Statement of Basis. For example, the technical support document for SWCAA's NSR permits provides a review of the NSR permitting history of the affected facility. Repeating this information in the Title V Statement of Basis would be redundant, and potentially adds significant volume to the Statement of Basis with little added benefit. Also, some facilities have 40 or more historic NSR actions, and selected actions have been obsolete for decades. Citing the old/obsolete NSR actions would add confusion to the document when trying to explain currently applicable requirements. SWCAA's Title V permits reference the source of each applicable requirement, and the Statement of Basis for each Title V permit generally contains a discussion of source history where deemed necessary to clarify the status of affected emission units.

2019 SWCAA Update: SWCAA has added discussion of the potential to emit (PTE) for each facility in the Statement of Basis to support the major source determination. SWCAA also includes a discussion of relevant permitting and enforcement actions since the last permitting activity. A discussion of CAM and NSPS and NESHAP applicability is included in each Statement of Basis; sometimes as a general statement if none apply and sometimes on an individual EU basis.

Round 2 Evaluation: SWCAA has taken several of Region 10's suggestions regarding adding permitting and compliance histories to Basis Statements. A summary of the potential to emit is included, though the details are not. A applicable/non-applicable requirement section is included in some, though some listed requirements lack an explanation as to why they are not applicable. CAM applicability was consistently noted, but the justifications were often not adequate. See the discussion about CAM in Concern C-3. Though SWCAA's Basis Statements can still be improved, they are much better today.

Section C. Monitoring

C-1 2007 EPA Concern: SWCAA relies on periodic inspections and visual observations (see - no see decisions) as a first level for assuring compliance with several requirements. Whenever visual checks are used, it is useful to clarify that the observers should be trained in visual observations and utilize the general observation criteria found in EPA Reference Method 22. Furthermore, a requirement to act on any observation of a visible emission should not be required of sources that normally do exhibit some visible emissions. In those cases, some other type of routine monitoring is more appropriate.

2007 SWCAA Response: SWCAA utilizes a "see - no see" method only when the expected opacity levels are zero. SWCAA also relies on Method 22 in many cases when the applicable opacity standard is zero percent. In Method 22 Section 2.3, the method states that determination of opacity is not required. Since this procedure requires only the determination of whether visible emissions are present, and does not require determination of opacity, observer certification pursuant to Method 9 is not necessary. Where appropriate, SWCAA has required several facilities to make periodic Method 9 readings, and in a few instances, required the facilities to maintain at least one Method 9 certified observer. SWCAA works with each facility to ensure that the facilities are capable of making visible emission determinations consistent with the requirements of their Title V permits. SWCAA will continue to work with the facilities to ensure appropriate use of the visible emission methods – both Method 9 and Method 22.

2019 SWCAA Update: SWCAA utilizes a "see - no see" method only when the expected opacity levels are zero. SWCAA also relies on Method 22 in many cases when the applicable opacity standard is zero percent. In Method 22 Section 2.3, the method states that determination of opacity is not required. Since this procedure requires only the determination of whether visible emissions are present, and does not require determination of opacity, observer certification pursuant to Method 9 is not necessary. Where appropriate, SWCAA has required several facilities to make periodic Method 9 readings, and in a few instances, required the facilities to maintain at least one Method 9 certified observer. SWCAA works with each facility to ensure that the facilities are capable of making visible emission determinations consistent with the requirements of their Title V permits. SWCAA will continue to work with the facilities to ensure appropriate use of the visible emission methods - both Method 9 and Method 22.

Round 2 Evaluation: Region 10 still considers periodic walkthroughs and see-no see observations a good approach for confirming ongoing compliance with visible and fugitive emissions requirements. SWCAA requires RM22 in some permits but not all, which is fine. Region 10 does not consider this a concern that warrants follow-up.

C-2 2007 EPA Concern: SWCAA often required monitoring baghouse pressure drop to assure compliance with particulate and opacity emission limits. Monitoring experts within EPA have concluded that pressure drop is not a reliable approach for monitoring baghouse compliance. Alternatives to pressure drop include opacity and bag leak detectors and can be combined with a good operation and maintenance program. SWCAA should avoid relying on pressure drop monitoring to assure baghouse compliance.

2007 SWCAA Response: SWCAA utilizes periodic source emission testing and periodic (usually monthly) visual observations (Method 22) as this comment suggests as the primary method of determining compliance with particulate and opacity emission limits. The suggested use of bag leak detectors has merit, and SWCAA will be exploring this option in future permitting actions. SWCAA's use of baghouse pressure drop is a secondary method of determining compliance with particulate and opacity emission limits. It is a parameter that can be routinely monitored by plant staff and agency representatives to provide a quick indication of performance.

2019 SWCAA Update: As mentioned in 2 above, SWCAA is moving away from Method 22 as a monitoring provision. In addition, SWCAA agrees that monitoring of baghouse pressure drop in itself, is not an indicator of compliance, but does provide an indication of attention to operations and maintenance programs referred to above. To the degree that this monitoring requirement continues to exist in NSR permits, this condition will continue to be included in the Title V permit. As the opportunity arises in the NSR permit program, this requirement will be phased out in favor of other monitoring provisions.

Round 2 Evaluation: Where SWCAA requires baghouse pressure drop monitoring as a secondary parameter, it is in addition to other, more appropriate monitoring. Region 10 agrees that pressure drop monitoring can be an indicator of the source's maintenance program. Region still believes that bag leak detectors are another good alternative for baghouses that require a more rigorous level of scrutiny than periodic observations provide (e.g. when CAM applies). Region 10 does not consider this a concern that warrants follow-up.

C-3 2007 EPA Concern: SWCAA’s permits do not consistently address compliance assurance monitoring (CAM) applicability and CAM-based monitoring decisions. CAM is a very important aspect of Title V permits and should be clearly explained in Basis Statements.

2007 SWCAA Response: SWCAA agrees with this comment, and will be more diligent in the future in addressing CAM determinations in the Statement of Basis, and provide more detail regarding CAM based monitoring decisions in its Title V permits. Please note that CAM does not apply to all of the Title V facilities at SWCAA. In addition, selected SWCAA facilities are still operating under their original Title V permits. The first round of SWCAA permits were issued prior to promulgation of the current CAM requirements. Hence, CAM provisions are not addressed in those permits, but will become applicable upon the first Title V permit renewal. SWCAA is incorporating CAM provisions as appropriate in each renewal permit. SWCAA expects the incorporation of CAM to have little impact on existing permit conditions because appropriate compliance monitoring has already been established in the associated NSR permitting actions.

2019 SWCAA Update: Through the Title V permit renewal process, SWCAA has incorporated CAM requirements into each Title V permit for each facility where CAM is applicable or made a determination and documented that CAM is not applicable.

Round 2 Evaluation: Region 10 reviewed the CAM analyses in the four permits reviewed as part of this program review as well as six other permits, to evaluate SWCAA’s implementation of the CAM program. Region 10 is still very concerned about SWCAA’s approach to CAM applicability determinations and documentation. One common mistake is the application of the exception of rules promulgated after 1990. CAM applies to emission units that use a control device to comply with an emission limitation that is not exempt from CAM. If the control device is used to comply with non-exempt applicable emission limitations, CAM still applies. For instance, if an emission unit is subject to a (post 1990) MACT standard and a SIP limitation and has a control device needed to meet both requirements, SWCAA should apply CAM to the emission unit for the SIP limitation, but not the MACT standard. Opacity limits should also be factored into the CAM analysis. The CAM applicability analysis should address baghouses, explaining those cases where the baghouse is actually used as process equipment. Emission units that use continuous compliance determination monitors for a specific pollutant are exempt from CAM. When an emission unit has a continuous emission monitoring system that is not the compliance determination method (a reference method test is the compliance determination method), but rather just an indicator of compliance, the pollutant-specific emission unit is still subject to CAM. SWCAA’s permits should clarify when a required continuous monitoring system is the compliance determination method. The Basis Statement (where the CAM applicability analysis should be) should present pre- and post-control potential emissions (for applicability and monitoring frequency decisions, respectively) as part of the CAM applicability analysis. SWCAA should re-evaluate CAM applicability in their permits to assure CAM has been applied correctly.

C-4 2007 EPA Concern: SWCAA’s permits often contained tiered approaches to monitoring, commonly for opacity and particulate emission limits. The approach normally begins with some sort of an observation which can lead to corrective actions, additional observations and eventually deviation reporting. Only occasionally did the monitoring

scheme lead to a reference method test (e.g. RM 9) and rarely to a particulate matter test. Where initial observations indicate possible concerns about compliance, the permit can be designed to automatically require a reference method test to confirm compliance. This is particularly appropriate where the initially-observed concerns recur often or are not promptly corrected. When renewing permits, SWCAA should add specific reference method testing where appropriate and consider the use of “automated” test requirements.

2007 SWCAA Response: As noted in the comment, SWCAA’s monitoring requirements often include a tiered approach with progressively more sophisticated monitoring if there is cause for concern in regard to observations or plant data which suggest areas of possible noncompliance. SWCAA will incorporate specific reference method testing where appropriate and add the use of “automated” test requirements.

2019 SWCAA Update: Addressed - no change to this response.

Round 2 Evaluation: Region 10 continues to believe that tiered monitoring and testing requirements can be useful permit writing techniques. SWCAA appears to use tiered monitoring related to periodic inspections and visual observation, which can lead to RM9 opacity readings. There were few if any examples wherein a SWCAA permit required emission testing if periodic monitoring identified an issue that was not quickly corrected or a required emission test resulted in a limit exceedance or near exceedance. During the onsite interviews, SWCAA explained that they handle those situations on a case-by-case basis outside of the permit, which is acceptable. Region 10 still suggests SWCAA consider adding automated testing and tiered monitoring/testing as built-in tools for assuring ongoing compliance.

C-5 2007 EPA Concern: Occasionally, SWCAA’s permits contained operation and maintenance requirements mixed in with monitoring requirements. Monitoring is generally used to identify problems (or assure there are no problems) while maintenance is used to avoid problems or to address identified problems. Finally, operation and maintenance requirements do not necessarily satisfy the need to have monitoring; in fact, monitoring should be specified to assure compliance with any operation and maintenance requirements. SWCAA should consider this type of clarification during future permit renewals.

2007 SWCAA Response: SWCAA will review each permit at renewal time to ensure that monitoring activities are clearly separated from operations and maintenance requirements.

2019 SWCAA Update: Addressed - no change to this response.

Round 2 Evaluation: Region 10 does not consider this a concern that warrants follow-up.

Section D. Public Participation and Affected State Review

D-1 2007 EPA Concern: Like many of the permitting authorities across the country, SWCAA provides the permittee with a pre-draft permit for review and comment before the draft permit goes out for public comment. Soliciting the permittee’s input on the factual aspects of the permit can help to reduce errors in the permit and help educate the permittee on its obligations under the permit. Working with the permittee on developing the substantive requirements of the permit, however, can create the impression that the permit issuance process is not an open process. SWCAA should carefully balance these

interests as it works with permittees during the development and issuance of Title V permits.

2007 SWCAA Response: SWCAA does not work with the permittees when developing substantive requirements. Substantive requirements are generally pre-existing, originating from NSR permitting actions, applicable regulations, and other enforcement documents. Substantive requirements are not open for negotiation or review under Title V. Only the factual aspects of the permit are available for comment. SWCAA is very diligent, and will continue to be diligent, to ensure that there is no appearance of a non-open process.

2019 SWCAA Update: Addressed - no changes to response.

Round 2 Evaluation: This is generally not an issue when the agency documents the basis for all of the requirements in the permit and assures that all comments received during the public comment period are documented and addressed before the permit is issued. SWCAA understand and implements their program this way. As long as SWCAA continues to make the entire record available to the public during the public review process, Region 10 is satisfied with SWCAA's approach for ensuring transparency. We no longer consider this a concern that warrants follow-up.

Section E. Permit Issuance / Revision / Renewal

E-1 2007 EPA Concern: SWCAA noted that issuance of several permits has been delayed due to NSR and MACT issues. In their last TOPS report (Jan thru June, 2007), three permits had been extended past 5 years pending renewal and one significant modification application was older than 18 months. EPA has recognized ways to avoid permit issuance delays when new MACT standards and complicated NSR enforcement actions are not yet resolved. SWCAA should continue to manage their workload in a practical way while meeting the regulatory deadlines for permit issuance.

2007 SWCAA Response: SWCAA has focused on this issue in recent months and as of 1/10/2008 only one permit is currently extended past 5 years. SWCAA has several sources that are subject to MACT standards that have been promulgated and have been vacated in full or in part. As noted previously, this situation has complicated the Title V permitting process. SWCAA is working through each of these permits in an orderly and informed fashion, but additional time is required in each case to ensure that appropriate terms and conditions are incorporated into the final permit language.

2019 SWCAA Update: Addressed - no changes to response. One permit is currently extended due to NSR and MACT incorporation and one permit is extended due to SSI rule requirements that the facility is not in compliance with, so the permit cannot be reissued.

Round 2 Evaluation: SWCAA reports its permit issuance progress to Region 10 semi-annually. Attachment 3 to this report shows SWCAA's reported permit issuance data for the past seven reporting periods (2018-1 is the first half of 2018, 2018-2 is the second half). SWCAA's backlog in initial permits has never been more than one permit; has not had any outstanding significant modification applications; and the backlog in renewal (extended) permits has been reduced from 60% down to 12% over this reporting period, an excellent trend. SWCAA clearly manages their permit workload very well. Region 10 does not consider this a concern that warrants follow-up.

E-2 2007 EPA Concern: SWCAA does not require minor permit applications to include a certification by a responsible official. This is required by Part 70. SWCAA should expect certification with minor permit modifications.

2007 SWCAA Response: During the audit, SWCAA misunderstood this question to relate to its minor source permit program. Upon further review, we understand the question relates to minor modifications of a Title V permit. Under the SWCAA Title V program, most submittals have contained a certification by a responsible official. In the future, SWCAA will be more diligent to ensure that every permit action includes a certification by a responsible official.

2019 SWCAA Update: Addressed - no changes to response.

Round 2 Evaluation: Region 10 does not consider this a concern that warrants follow-up.

E-3 2007 EPA Concern: SWCAA's fee structure bases part of the fee on the number of emission units to account for permit complexity. The emission unit concept in Title V generally allows useful flexibility in grouping or non-grouping of plant site activities based on a number of factors such as similar applicable requirements or operations. This can make implementation of the permit requirements more practical. Placing a price (by basing the fee) on the number of emission units can put these intentions at odds with each other. SWCAA should consider ways to take advantage of the flexibility provided by the emission unit concept despite the fee system design.

2007 SWCAA Response: SWCAA does consider flexible approaches in making emission unit groupings at affected facilities. The potential effect on fees is not a consideration in grouping determinations. SWCAA's minor source program and Title V program share a common emission unit structure that groups similar emission units when it is practical for purposes of implementing requirements or operations. In practice, grouping determinations are driven by the need to develop permit conditions that are understandable and enforceable as a practical matter. Title V permit conditions are based on major and minor source NSR permits. Only on a rare occasion are permit conditions developed under the gap filling provisions of Title V. SWCAA tries to maintain as much continuity as possible between the minor source and Title V permitting programs in making these determinations.

2019 SWCAA Update: Addressed - no changes to response.

Round 2 Evaluation: Region 10 does not consider this a concern that warrants follow-up.

Section F. Compliance

F-1 2007 EPA Concern: Even where it was apparent that emission testing had been required by and performed under a previously issued permit, rarely did the Basis Statement discuss the results or rely on the results for making future testing or monitoring decisions. Where testing was required, rarely were emission unit and control equipment operational parameters recorded and related to the test results to assure the parameters monitored truly represent compliance. Source-specific test data can be very useful for designing an appropriate compliance monitoring approach. SWCAA should not only document the results but consider them when requiring monitoring for future permits.

2007 SWCAA Response: SWCAA will provide a better description of the testing history of affected sources in the Statement of Basis for each Title V permit. It should be noted that the majority of the equipment specific testing and monitoring requirements found in

SWCAA's Title V permits are drawn directly from underlying NSR permits. Compared with other air agencies, SWCAA has a long history of requiring emission testing and compliance monitoring in its NSR permits. There has been little need for additional measures to be implemented via the Title V permitting process. For other Washington agencies where this has not been done, the Title V permitting process often includes the development of comprehensive testing/monitoring schemes under Part 70 'gap-filling' provisions. However, current EPA guidance for gap-filling monitoring precludes SWCAA from using a Title V permit to change or 'enhance' testing/monitoring measures established in underlying permits. Hence, SWCAA's Title V permitting actions have not involved significant testing/monitoring decisions. If there is a compliance issue that would benefit from source testing, SWCAA would require testing as part of the compliance issue on a basis that is supported by the issue. These decisions are made as part of the compliance process and generally are not anticipated or historically documented in the Title V Statement of Basis.

2019 SWCAA Update: Addressed - no changes to response.

Round 2 Evaluation: There was little evidence in the Basis Statements reviewed that SWCAA considers past test results when determining monitoring or testing frequency in a permit. During the onsite interviews, SWCAA indicated that the frequency for testing specified in the permit, commonly once every five years, was rarely adjusted based on previous test results. Infrequent testing can provide an adequate assurance of compliance if there is a history of consistently low test results (i.e. a good margin of compliance), but may not be sufficient in all cases. To be sufficient, the frequency of testing should be adjusted based on SWCAA's confidence in ongoing compliance and the relative margin of compliance in past testing. The Basis Statement should consider past compliance data (including test results and margins of compliance) and explain the basis for setting the frequency of monitoring and testing in the permit. Finally, process and control equipment parameters that are monitored as compliance surrogates should be linked to levels recorded during compliance testing to help assure ongoing compliance.

III. Additional Review

In addition to reviewing concerns identified in the first review, Region 10 requested an update about program resources and permit issuance progress and reviewed several permits that were issued by SWCAA within the last few years. The following permits were reviewed by Region 10 as part of this program review:

<u>Permit No.</u>	<u>Company Name & Location</u>	<u>Date Issued</u>
SW97-1-R2	City of Vancouver Westside Treatment Plant	01/25/2016
SW14-20-R0	Cowlitz County Landfill Castle Rock	10/10/2018
SW97-4-R3	Hampton Lumber Mills Randle	06/12/2018
SW18-23-R0	Weyerhaeuser Longview Lumber	06/18/2019

The focus of the permit reviews was generally on previously identified concerns and specifically on compliance assurance monitoring requirements and incorporation of new requirements. In the process of reviewing a selection of SWCAA's permits, we also gain a perspective of SWCAA's general permit quality. CAM has been a recent focus for Region 10's oversight work for several reasons. CAM is required to be applied in the initial permit for sources with "large" pollutant-specific emission units and in the first renewal for all other emission units. Most pollutant-specific emission units are not large, so CAM has been primarily implemented during the renewal phase of the Title V program. Region 10 had a rigorous permit oversight program in the early years of Title V. By the time state and local agencies were issuing renewal permits, Region 10 had scaled back its oversight program substantially and, in fact, reviewed very few permits that addressed CAM. Beginning in fiscal year 2013, Region 10 began to review a small percentage of state/local renewal permits to see how CAM was being addressed. A consistent lack of documentation regarding CAM applicability and monitoring decisions in Basis Statements was discovered. Logically, Region 10 decided to specifically review how CAM was being addressed in permits as part of the second-round program reviews. Region 10's review of SWCAA's CAM implementation is addressed in previous Concern C-3. SWCAA's incorporation of new applicable requirements is covered in the New Concerns section of the report below. Other new concerns about SWCAA's permits are also in that section of the report.

In reviewing the agency's permit issuance progress and resources, including their fee program and staffing, we learn how the Title V program is being managed. Permit issuance problems, namely large backlogs of unissued permits, are often linked to a lack of resources. SWCAA appears to manage their fees and expenses very well. Combined with their small permit backlog, Region 10 has no concerns about SWCAA's management of their resources. With the information Region 10 requested, Region 10 received a copy of SWCAA's 2018 fee assessment calculations and the Title V Fee Running Balance (see Attachment 2). SWCAA posts all their past financial reports on their website. SWCAA uses the same fee structure as the Washington Department of Ecology and other local agencies in Washington. Total Title V fees are divided into three equal assessments each year: complexity (based on the number of emission units), emissions (emitted by each Title V source) and a flat fee assessed to each Title V source. The workload analysis has not been revised since 2007, which resulted an average facility fee basis of \$25,789 per year. The annual program budget is set by multiplying the number of Title V sources by the fee basis. If collected fees are projected to be overspent, a supplemental billing is assessed. Collected fees left over at the end of the year are carried into the next year where it reduces the fees collected for that year. This is a fee good system that allows the agency a lot of flexibility.

SWCAA's staff is likely the most experienced staff in a Region 10 Title V agency. Engineers are assigned specific sources and serve as the permit writer, inspector and general agency reviewers of all things related to the regulation of that source. Staff retention is exceptional at the agency. SWCAA has one of the smallest permit backlogs of Region 10 agencies. Permit issuance progress is addressed in previous Concern E-1.

New Concerns

1. Regarding SWCAA's incorporation of new requirements, Region 10 thinks it is a good practice to add a section to the Basis Statement that describes the new applicable requirements that are being added to a renewal permit. Including a broader-scoped section that describes all changes to the permit (in this renewal) would also be good and could encompass the new applicable requirements. SWCAA's Basis Statements did not have a section that described the changes or even the new applicable requirements.
2. The incorporation of the boiler MACT to one permit reviewed could have been better. Obsolete boiler MACT requirements included in the renewal could have been omitted. Some compliance options that are clearly not options for that particular source also could have been omitted. In those cases where the compliance option chosen by the source is clear, the Basis Statement can explain that. If the other options are no longer possible, the permit can also be cleaned up by removing the compliance options not used. Some Boiler MACT requirements referenced with a citation in the permit should have been written fully into the permit. These suggestions should be applied to all of the permits that SWCAA issues.
3. Related to citing the correct version of the SIP and SWCAA's rules, covered in Concern A-3, where the applicable citations are listed for individual permit conditions, which may contain several different requirements, SWCAA should be more specific about which requirements in the condition are paired with each citation. SWCAA seems to be grouping "like" requirements into a single permit condition from several applicable requirements. That is acceptable as long as the individual citations are clearly linked to the correct requirement in the condition.
4. In some of the permits reviewed, SWCAA paraphrased some applicable requirements. Paraphrasing long or complicated applicable requirements is an acceptable practice as long as the paraphrased version of the requirement is accurate and complete. If SWCAA is concerned about the accuracy of the paraphrased version of the requirement, Region 10 suggests adding a general statement to the permit that clarifies that the underlying regulation takes precedence when the wording is not exact. Note that this general statement will effectively nullify the permit shield regarding compliance with the permit assuring compliance with the underlying requirement. SWCAA should also consider this suggestion when streamlining multiple requirements in one permit condition, where the individual regulations are not exact. If including the general permit shield regarding compliance with underlying requirements, SWCAA should be sure that paraphrased versions of those underlying requirements are accurate and complete.
5. Several permits with hourly and annual emission limits did not include the compliance method or, because the limits were listed in the same permit condition as other limits such as concentration limits, included compliance methods that are only appropriate for concentration limits (e.g. emission testing). All limitations, including hourly and annual emission limits, must have appropriate compliance demonstration methods included in the permit. Compliance with daily and annual limits generally requires an emission factor and

process monitoring be specified in the permit. Changes to the required emission factors “off-permit” should be done using a replicable procedure specified by the permit.

6. When limiting process parameters in a permit, such as temperature, the permit condition that includes the limit should include the location of the monitor and the averaging period for demonstrating compliance. Some permits described the averaging time in the associated monitoring condition rather than the limit condition. Then, the process limit averaging time and monitoring averaging time should match.
7. In some Basis Statements, SWCAA includes an Appendix that present an Applicable Requirements Review. The Appendix states whether the requirement was included in the permit, but does not always explain why. This seems like a logical place to explain applicability and, more importantly, inapplicability. This appendix, complete with justifications, would be a good addition to those Basis Statements that don't include it.
8. Region 10 reorganized changing our office and unit structure into a division, branch and section structure. This changed our mailing addresses. Where SWCAA includes the address for mailing copies of certain documents to Region 10, the permits should be revised accordingly. Region 10 can supply the new addresses if needed.

IV. Summary of Concerns and Recommendations

Concerns

Many of the concerns identified in the first-round program review have been resolved to Region 10's satisfaction, but some still need at least some attention. Region 10 is satisfied with SWCAA's progress on 8 of the 14 concerns identified in the 2007 program review. Region 10 thinks SWCAA can still improve on the other six remaining original concerns. Region 10 has identified seven new concerns that SWCAA should address and is providing information regarding one new topic.

Region 10 has provided some new information regarding one topic. Due to a reorganization, the titles and mailing addresses for all of Region 10's offices has changed. SWCAA should note the new addresses for submitting information to Region; SWCAA should also update their permits with the new address (New Concern 8).

Region 10 has suggestions SWCAA should consider regarding two topics. Region 10 still thinks SWCAA should consider use of tiered monitoring and testing schemes in permits to help assure ongoing compliance (Concern C-4). SWCAA should consider adding a section to the Basis Statements that explains what changed from the previous permits, specifically noting the new applicable requirements (New Concern 1).

SWCAA has made improvements to their permits and Basis Statements, but more improvements can be realized for six original concerns and five new concerns. SWCAA should develop a list of standard conditions to use consistently on all permits. (Concern A-1). SWCAA should review the regulatory basis in each permit to confirm the citations are correct and ensure that streamlined requirements are reflected in the resulting permit conditions (Concern A-3). SWCAA can still generally improve their Basis Statements (Concern A-4). SWCAA must improve their CAM applicability determinations and documentation (Concern C-3). SWCAA should use and document the use of past test data to set monitoring and testing requirements in permits (Concern F-1). SWCAA can improve the incorporation of new federal requirements such as the boiler MACT (New Concern 2). SWCAA more clearly tie citations to permit conditions with multiple requirements (New Concern 3). SWCAA should confirm paraphrased permit conditions are accurate and include general language regarding the text in the rule takes precedence (New Concern 4). SWCAA must ensure that hourly and annual emission limits are enforceable as a practical matter (New Concern 5). SWCAA should clarify process/control device limitation details and match the monitoring periods to the limitation (New Concern 6). SWCAA should include a section in the Basis Statement that explains permit changes in renewals and/or applicability/non-applicability for all reasonably applicable requirements (New Concern 7).

Recommendations

Because SWCAA provided to Region 10 a response that explains what they plan to do to resolve the 13 topics/concerns flagged in this Section (Concerns A-1, A-3, A-4, C-3, C-4 and F-1 and New Concerns 1 thru 7), and SWCAA and Region 10 discussed the only concerns that warranted it (Concern F-1 and New Concern #4), SWCAA does not need to provide another response to Region 10. SWCAA should follow through on the commitments made in their September 30, 2019, response to Region 10 about the draft report. If SWCAA wants to further discuss any of the concerns in the future, Region 10 will gladly accommodate that.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 155
Seattle, WA 98101-3123

AIR & RADIATION
DIVISION

Mr. Uri Papish
Executive Director
Southwest Clean Air Agency
Suite 1294
11815 NE 99th Street
Vancouver, WA 98682

Dear Mr. Papish:

The purpose of this letter is to notify you that the U.S. Environmental Protection Agency Region 10 plans to perform a second evaluation of the Southwest Clean Air Agency’s title V operating permit program. This letter kicks off the effort by describing the evaluation process and our proposed schedule. We are also requesting information that will assist us in our program evaluation. Your agency will be the ninth of the second-round program evaluations that Region 10 will undertake.

This program evaluation will focus primarily on the following four areas: (1) follow-up on concerns identified during our 2007 evaluation of your program; (2) permit issuance progress and resources; (3) compliance assurance monitoring; and (4) new applicable requirements and rules. We will review a selection of your permits, focusing on those issued more recently. This program review will require involvement of staff and managers from your permitting, technical, finance and compliance groups. We appreciate your cooperation and assistance.

Our tentative schedule is as follows:

Task	Tentative Date
Region 10 sends kickoff letter	Today
SWCAA sends requested information	May 24, 2019
Region 10 visits SWCAA	July 16-17, 2019
Region 10 sends draft report	August 16, 2019
SWCAA sends comments to Region 10	September 6, 2019
Region 10 sends final report	September 30, 2019

The enclosure describes the information we would like to receive in advance, so we can be efficient during the onsite interviews. Please return the information (preferably in electronic form) as early as possible, but no later than the date in the table above, to Doug Hardesty (hardesty.doug@epa.gov) who will be leading the evaluation. We will contact you if we need any additional information.

We look forward to working with you and your staff. If you have any questions about the program evaluation, please do not hesitate to call me at (206) 553-1679 or Doug at (208) 378-5759.

Sincerely,

/s/ April 30, 2019

Kelly McFadden, Manager
Stationary Source Unit

Enclosure

cc: Mr. Paul Mairose, SWCAA (electronic)

**Title V Program Evaluation
Southwest Clean Air Agency**

Information Request

Please send the following information in electronic form as soon as possible, but no later than May 24, 2019, to Doug Hardesty (hardesty.doug@epa.gov)

1. A list of Southwest Clean Air Agency staff that work in the title V program, noting their responsibilities (e.g. permit writer, rule writer, inspector, etc.).
2. Identification of any title V permits, renewals, or revisions that are recent enough that they are not represented on the Southwest Clean Air Agency website.
3. A list and description of any rule changes that have been made to Southwest Clean Air Agency's title V regulations (e.g. those that affect applicability, implementation, or fees) since the last revision approved in January 2003. If any of the rule changes have been submitted to Region 10 for review, note the date of submittal.
4. An update regarding each of the concerns raised in the 2007 title V program evaluation, noting whether the plan to address the concern was completed and whether Southwest Clean Air Agency is approaching any of the concerns differently than previously communicated to Region 10 in January 2008. Provide a narrative explaining the different approach, if applicable.
5. Any issues or requests that Southwest Clean Air Agency would like to raise to Region 10 regarding any aspect of the title V program.

June 5, 2019

Doug Hardesty
US EPA Region 10
1200 Sixth Ave, Suite 155
Seattle, WA 98101-3123

Subject: Information Request Documentation for Second Title V Program Evaluation

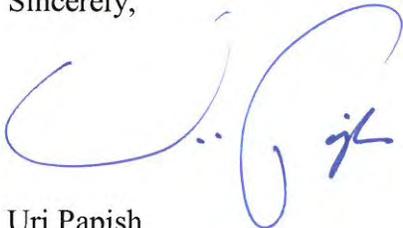
Dear Mr. Hardesty:

The purpose of this letter is to transmit information and documentation in support of the second evaluation of the Title V program for the Southwest Clean Air Agency (SWCAA). This information was requested by Kelly McFadden in a letter dated April 30, 2019. This letter requested that we provide listed information to you in electronic format.

There were five specific items in the above request. Each of these is detailed in an attachment to this correspondence. Each item is listed with the SWCAA response following.

If you have any questions in regard to our responses, please do not hesitate to contact me at Uri@swcleanair.org or by telephone at (360) 574-3058 extension 112, or Paul Mairose at Paul@swcleanair.org or by telephone at (360) 574-3058 extension 130.

Sincerely,



Uri Papish
Executive Director



Attachment A

EPA Region 10 Title V Program Evaluation

Southwest Clean Air Agency Responses to Information Request

June 5, 2019

1. A list of Southwest Clean Air Agency staff that work in the title V program, noting their responsibilities (e.g. permit writer, rule writer, inspector, etc.).

Uri Papish, Executive Director

- Budget authorization, permit reviewer and approver, program oversight

Paul Mairose – Chief Engineer

- Permit reviewer, permit approver, billing support, compliance review, source test report review, web page support, database support, rule support, fee support, electronic file management

Jerry Ebersole – Operations Manager

- Compliance and enforcement manager, inspections review, source test review, complaints manager

Clint Lamoreaux, Engineer III

- Title IV program lead, permit writer, inspector, compliance, test reviewer, report evaluations, emission inventory review, facility complaint follow-up
- TransAlta Generation, TransAlta Mining, Owens Brockway Glass, Eagle US 2, Cowlitz Landfill, EFSEC – PacifiCorp - Chehalis

Wess Safford, Engineer II

- Title V program lead, permit writer, inspector, compliance, test reviewer, report evaluations, emission inventory review, facility complaint follow-up, rule support
- Cardinal FG, Mint Farm Generation, River Road Generation, NORPAC, Weyerhaeuser Lumber

John St.Clair, Engineer II

- Title III program lead, permit writer, inspector, compliance, test reviewer, report evaluations, emission inventory review, facility complaint follow-up
- Emerald Kalama Chemical, City of Vancouver - Westside

Vannessa McClelland, Engineer I

- Permit writer, inspector, compliance, test reviewer, report evaluations, emission inventory review, facility complaint follow-up
- NW Pipeline – Washougal, NW Pipeline – Chehalis, Sierra Pacific, Hampton Lumber – Morton, Hampton Lumber - Randle

Richard (Chip) Chuprinko, Database Programmer

- Web Page, Database, Servers, Network, Computers
- Admin support for all things data related in-house

Traci Arnold – Office Administrator

- Finance and accounting, Title V billing, Financial Audits, Budgets, Public Outreach, Public Hearings

Tina Hallock, Secretary

- Data entry, filing, reporting, paper and electronic file management, phones, public notices

2. Identification of any title V permits, renewals, or revisions that are recent enough that they are not represented on the Southwest Clean Air Agency website.

The SWCAA website is up to date for all title V permitting activities. As of mid-June 2019, the NORPAC Paper Mill and the Weyerhaeuser Lumber Mill Title V permits will go final for SWCAA. This action is the demarcation of official transfer of regulatory authority for air quality related issues for these two facilities. Prior to the Title V permits going final, these facilities are regulated by the Washington Department of Ecology – Industrial Section. All final title V permits for SWCAA are available at this web address <http://www.swcleanair.org/permits/title5final.asp>. Additional facility information for each title V facility can be found at this web address by selecting the individual facility <http://www.swcleanair.org/epages/facilitysearch2.asp?sl=T5&AO=Y&EF=N>.

3. A list and description of any rule changes that have been made to Southwest Clean Air Agency's title V regulations (e.g. those that affect applicability, implementation, or fees) since the last revision approved in January 2003. If any of the rule changes have been submitted to Region 10 for review, note the date of submittal.

SWCAA utilizes the statewide operating permit regulation in WAC 173-401. SWCAA does not have its own Title V regulation. Any changes made would be those made by the Department of Ecology. SWCAA staff have no active role in this activity.

With regard to fees, SWCAA's Title V program is self-funding. SWCAA's fee methodology follows the Ecology framework of a three-part fee assessment each year. One-third of the fees are based on complexity (number of emission units), one-third are based on emissions and one-third are based on a flat fee component. In 2007 SWCAA revisited the workload analysis for the title V program. An adjustment was made at that time where the average facility fee basis is now \$25,789 per year. The program budget is established at the total number of Title V facilities multiplied by this average fee basis. Because state law requires that the assessed fees provide a neutral balance target each year, any fees collected but not spent in a given year are carried into the next year where it reduces the amount to be billed to individual sources. If the total fees collected are projected to be overspent, then a supplemental billing is prepared to ensure adequate funding is available to carry out Title V program responsibilities. SWCAA's 2018 fee assessment calculations are included as Appendix C. The Title V Fee Running Balance is included as Attachment D. Monthly time accounting and financials are available on the SWCAA website at this web address: <http://www.swcleanair.org/agency/boardmeetings.asp>

- 4. An update regarding each of the concerns raised in the 2007 Title V program evaluation, noting whether the plan to address the concern was completed and whether Southwest Clean Air Agency is approaching any of the concerns differently than previously communicated to Region 10 in January 2008. Provide a narrative explaining the different approach, if applicable.**

Refer to Attachment B for a concern by concern review.

- 5. Any issues or requests that Southwest Clean Air Agency would like to raise to Region 10 regarding any aspect of the Title V program.**

SWCAA has no issues or concerns to raise at this time.

Attachment B

EPA Region 10 Title V Program Evaluation

Southwest Clean Air Agency Responses to Information Request

June 5, 2019

Summary of Concerns Raised in 2007 EPA Title V Program Evaluation

A. Title V Permit Preparation and Content

Good Practices

1. SWCAA has a good internal review process for Title V permits. Each permit is reviewed by several permit staff in-house. The senior engineer reviews all permits before issuance. This collaboration likely results in better, more comprehensive and more enforceable permits.
2. SWCAA has redesigned their NSR permit format with Title V in mind so applicable requirements can be more easily incorporated into Title V permits.
3. SWCAA's statements of basis generally are very useful in that they discuss the incorporation of past permits and specifically address each monitoring condition.
4. Permits often clarified rule citations by including all enforceable versions of the rules, adding the date of the rules.
5. Despite the more-challenging table format that SWCAA uses for their permits, the permits appear to be well written and comprehensive. It is obvious from review of the permits and interviews with permit engineers that SWCAA's technical staff has a good understanding of air pollution standards and air pollution engineering.

EPA Concerns

1. Each of the permits reviewed had a different list of standard conditions or included similar standard conditions with different wording or even titles. Each of the permits appears to be missing standard provisions that should be in the permits. SWCAA should develop a list of standard provisions that they will add to all Title V permits in a consistent manner. One of the standard provisions is titled "Permit appeals." This condition describes the state appeal process, but makes no mention of the federal appeal (petition) process. If SWCAA does not think it is appropriate to add the federal appeal option to their standard provisions, they should at least explain it in the statement of basis and in their public noticing materials.

SWCAA Response: *SWCAA believes its permitting process is in compliance with this comment on the use of standardized conditions. SWCAA's permit development process*

includes the incorporation of a consistent list of standard conditions for all of the Title V permits the agency issues. However, the list of standard conditions is updated and revised from time to time based on feedback from sources/EPA and changes in applicable regulations. Since the “upgrade” process is continual, standard conditions will be similar for permits issued in a contemporaneous time frame, but will differ from one time period to another. These differences are noticeable, and to be expected, when reviewing permits issued in different time frames. SWCAA believes it is important to maintain a standard list of conditions, and will continue this practice in the future.

SWCAA agrees that it will be beneficial for sources to have the Federal appeal process cited in their Title V permits, and will begin doing so on all future permits.

SWCAA 2019 Update:

SWCAA considers this concern addressed. SWCAA includes each of the standard terms and conditions from WAC 173-401-620 in each permit. This includes item (i) Permit Appeals where this section makes reference to RCW 43.21B.310 and Section 505(b) of the Federal Clean Air Act.

2. The permits and statements of basis reviewed included a list of emission units. In all cases, it appeared that several plant activities were not addressed by the list of emission units. In one case, a process handling cyclone and paved road traffic was missing; in another, a fuel storage tank was missing. If only facility-wide requirements apply to these missing emission units, it is not critical that they be in the permit; however, the statement of basis should still be clear in describing all of the operations at the facility.

SWCAA Response: *The examples cited in this comment are pieces of equipment and/or activities that are not regulated as emission units in the respective permits (i.e., the activities are insignificant). Furthermore, Title V permits issued by SWCAA have a list of equipment and activities that are regulated as emission units. Washington State’s Title V rule (WAC 173-401) contains prescriptive language regarding which pieces of equipment and/or activities are considered to be insignificant emission units. While SWCAA agrees that there is value in specifically addressing selected equipment/operations, the majority of insignificant activities do not merit comment (e.g., motor vehicle exhaust, street sweeping, landscaping activities, bathroom vents, etc.). SWCAA’s permitting practice has been to provide specific descriptions where deemed necessary to clarify emission unit applicability, but not provide a detailed review of every potential activity at a facility.*

SWCAA 2019 Update:

SWCAA considers this item concern addressed. Each permit contains a list of Emission Units (EU). Each permit does not necessarily contain every piece of equipment/activity that is considered to be an insignificant emission unit (IEU). The equipment/activities identified in the concern were insignificant emission units. Categorically exempt insignificant emission units are not even required to be identified in the permit application as specified under WAC 173-401-532.

3. While it appears that SWCAA has clearly cited the approved and unapproved versions of their regulation that are included in the permit as applicable requirements, during the on-site interviews, SWCAA staff pointed out that keeping the regulatory citations organized has been a lot of work. They added that they may begin leaving out the approved SIP citations when they have been replaced with newer versions of regulations that were submitted to EPA several years earlier. While EPA understands SWCAA's frustration with the SIP approval backlog, it is still EPA's policy that requirements from the most recently approved SIP must be included in the permit, even if SWCAA has adopted new regulations and submitted them to EPA for approval.

SWCAA Response: *SWCAA's policy is to cite the most recently approved SIP in the permits. The comment by SWCAA staff was meant to highlight the difficulties posed by the incorporation of "obsolete" SIP rules and encourage EPA to act more timely in approving SIP submittals. This difficulty may not have been identified in other agency's permits because SWCAA has noted that permits issued by other jurisdictions (including EPA Part 71 permits) often do not cite rule adoption dates, and therefore it is unclear which version of the rule is being cited (SIP versus most recent). In those cases, SWCAA meant to convey that the affected agencies may be applying the most recent version of the rule regardless of its SIP status.*

SWCAA attempts to identify all versions of an applicable rule in its permit citations, but is aware that some of SWCAA's SIP rules are over 10 years out of date. The SIP version of those rules often conflict with newer versions and/or new EPA requirements. In some cases, sources can not simultaneously comply with both the SIP version and the current version of a rule. Consequently, SWCAA has generally "streamlined" competing versions of each rule in favor of the most recent.

SWCAA 2019 Update:

SWCAA has implemented a revised method of identifying the rules and versions of those rules that are applicable. SWCAA has inserted a table with a single reference to each rule and version with all the dates in one location so it does not have to be repeated each time the rule is cited in the permit. Progress has been made in updating regulations in the SIP.

4. While SWCAA's statements of basis have some good features, they could be improved. Permitting, compliance and construction histories would be helpful; the potential to emit should be presented to support any major/minor source claims or applicability determinations that rely on it; and the applicability of requirements (CAM, NSPS, NESHAP, etc) could have been explained better in some cases. SWCAA should continue to look for ways to improve the statements of basis.

SWCAA Response: *SWCAA agrees with much of this comment and will make improvements where possible to improve look-back capability for enforcement issues and initiatives. However, SWCAA does not agree that all of the cited elements cited in the comment belong in the Title V Statement of Basis. For example, the technical support document for SWCAA's NSR permits provides a review of the NSR permitting history of the affected facility. Repeating this information in the Title V Statement of Basis would be*

redundant, and potentially adds significant volume to the Statement of Basis with little added benefit. Also, some facilities have 40 or more historic NSR actions, and selected actions have been obsolete for decades. Citing the old/obsolete NSR actions would add confusion to the document when trying to explain currently applicable requirements. SWCAA's Title V permits reference the source of each applicable requirement, and the Statement of Basis for each Title V permit generally contains a discussion of source history where deemed necessary to clarify the status of affected emission units.

SWCAA 2019 Update:

SWCAA has added discussion of the potential to emit (PTE) for each facility in the Statement of Basis to support the major source determination. SWCAA also includes a discussion of relevant permitting and enforcement actions since the last permitting activity. A discussion of CAM and NSPS and NESHAP applicability is included in each Statement of Basis; sometimes as a general statement if none apply and sometimes on an individual EU basis.

Other Observations

1. During the on-site interviews, SWCAA's permit format was discussed. Suggestions for changes were made based on other formats used by permitting authorities in the northwest. While it would likely take a considerable effort to change all of the permits to a different format (see permits issued by Oregon or Idaho), SWCAA should consider the benefits of making practical changes during permit renewals. As a minimum, SWCAA could at least sort the applicable requirements table by emission unit and to combine the monitoring and recordkeeping sections; this would make it easier to write, find and understand several permit conditions.

SWCAA Response: *SWCAA and other Washington local air agencies reviewed the permit formats used by Idaho, Oregon, and other agencies, and queried some of SWCAA's Title V sources regarding which format they prefer. The current format is preferred by SWCAA's Title V sources. SWCAA believes this input from affected sources is an important comment on the user friendliness of a permit format. When SWCAA previously evaluated changing the permit format, SWCAA concluded that the format change being proposed could double or triple permit length for little practical gain for the sources or SWCAA. If circumstances change, SWCAA can also change. In specific, SWCAA has found it more convenient to organize the table on a requirement specific basis rather than an emission unit specific basis as suggested by this comment because SWCAA's approach clearly identifies which emission units are affected by a given requirement, and avoids repetitious citations of general conditions and permit conditions that apply to more than one emission unit. Please note, that SWCAA has removed/consolidated one of the table columns in response to EPA suggestions.*

From a historical perspective, during the first round of permitting in the early 1990's, the Washington State permit writer's group and individual Washington sources spent considerable time on developing a permit format. SWCAA's current permit format was the

result of that effort. While EPA staff and other outside agencies may prefer a different format, the format in use should be one that is preferred by affected sources and the implementing agency. This customer oriented approach to industry helps to ensure that those using the Title V permits are best able to navigate the permit and achieve and demonstrate compliance with permit terms and conditions. This outcome was the original reason that industry supported the adoption of Title V of the 1990 Clean Air Act Amendments.

SWCAA 2019 Update:

SWCAA has made changes on a case by case basis to the monitoring and recordkeeping provisions where it was practical in individual permits. SWCAA has an NSR permit (SEH) format similar to the EPA suggested table format by emission unit. This has resulted in this permit having substantially more pages and many of the sections for each emission unit just repeat the same monitoring and recordkeeping requirements. SWCAA has decided to not implement this strategy for future permits.

2. Recent MACT vacaturs (boiler and plywood) are causing SWCAA permit writing difficulties.

SWCAA Response: *SWCAA agrees with this comment. SWCAA has several sources that are significantly impacted by the promulgation and vacaturs of several MACT standards. Little guidance and/or conflicting guidance from EPA regional offices and the lack of a national policy by EPA has led to difficulties identifying applicable requirements in some permits. This has delayed permit issuance due to SWCAA's concern regarding the inclusion of incorrect or inappropriate requirements.*

SWCAA 2019 Update:

Several federal rules are still undergoing legal challenges and revisions which make them difficult to incorporate into Title V permits. Examples are the Plywood and Composite Wood Products MACT and the Sewage Sludge Incinerator Emission Guidelines with federal plan requirements. These issues are impacting issuance of a permit or two.

3. SWCAA should become familiar with CROMERR as it applies to electronic submittals to their agency.

SWCAA Response: *SWCAA is aware of the CROMERR rule and requirements and will adopt this technology when the Environmental Council of the States (ECOS) and the National Association of Clean Air Agencies (NACAA) support implementation of this technology. ECOS and NACAA formally expressed significant concerns regarding the CROMERR rule and requirements to EPA via letter in April 2007. SWCAA supports minimizing paperwork and the need for multiple submissions of data that can be submitted electronically. However, it is very challenging and expensive to adopt and implement electronic reporting such as that driven by CROMERR that may not have national support and a national implementation strategy. SWCAA will monitor progress with this technology and when appropriate, implement this program.*

SWCAA 2019 Update:

SWCAA has continued to monitor progress with the CROMERR rule as states have implemented this strategy. While there are benefits to having a paperless program there are pitfalls that complicate that process as well. SWCAA provides significantly more electronic documents on its web page than most Title V implementing agencies without the benefit of implementing CROMERR. While electronic submittal of all documents cited in the CROMERR rule could streamline the submittal process, SWCAA has encountered problems with spam, blocked emails, and electronic file management that has complicated a process that should be straight forward. SWCAA does not have a formal records management system, which would likely make this process easier to manage. However, the time and expense of implementing such a system takes away from more routine permitting and compliance activities. A couple of attempts have been made to implement a records management system but have not been implemented for a variety of reasons. For SWCAA, the time and technology are not ripe yet for this action.

B. General Permits

SWCAA supports the basic principle of general permits. SWCAA has observed the development of general permits by other agencies and learned that there are unanticipated pitfalls with many of the general permits developed to date. In addition, SWCAA's universe of Title V sources is fairly small, and does not contain large numbers of sources that fall within the same industry type. Hence, the development of general permits would not provide a great benefit for the agency.

SWCAA 2019 Update:

There is no change to this response for 2019. SWCAA's universe of Title V permittees is small and not conducive to the use of a general permit. Therefore, SWCAA has no Title V General Permits.

C. Monitoring**Good Practices**

1. Each requirement in the monitoring section of SWCAA's permits includes a cross reference to the applicable requirements for which the monitoring was designed to assure compliance.
2. SWCAA is one of the few agencies known to require lab-based lumber drying and emission testing. On-site performance testing of lumber dry kilns is very difficult and generally not required, leaving agencies to rely on non-source-specific emission factors for sources that are now considered significant sources of VOC and HAP emissions. Given that lab-based testing has been proven to be representative of actual kiln testing, SWCAA has tapped a very practical approach to a difficult issue. Hopefully, institutions capable of lab-testing will continue to provide the service and other agencies will follow SWCAA's lead.

Concerns

1. SWCAA relies on periodic inspections and visual observations (see - no see decisions) as a first level for assuring compliance with several requirements. Whenever visual checks are used, it is useful to clarify that the observers should be trained in visual observations and utilize the general observation criteria found in EPA Reference Method 22. Furthermore, a requirement to act on any observation of a visible emission should not be required of sources that normally do exhibit some visible emissions. In those cases, some other type of routine monitoring is more appropriate.

SWCAA Response: *SWCAA utilizes a “see - no see” method only when the expected opacity levels are zero. SWCAA also relies on Method 22 in many cases when the applicable opacity standard is zero percent. In Method 22 Section 2.3, the method states that determination of opacity is not required. Since this procedure requires only the determination of whether visible emissions are present, and does not require determination of opacity, observer certification pursuant to Method 9 is not necessary. Where appropriate, SWCAA has required several facilities to make periodic Method 9 readings, and in a few instances, required the facilities to maintain at least one Method 9 certified observer. SWCAA works with each facility to ensure that the facilities are capable of making visible emission determinations consistent with the requirements of their Title V permits. SWCAA will continue to work with the facilities to ensure appropriate use of the visible emission methods – both Method 9 and Method 22.*

SWCAA 2019 Update:

SWCAA is moving away from specifying Method 22 as a monitoring provision because of the training and documentation that is required by the Method. Rather, a see – no see concept or specific reference to Method 9 is being cited where appropriate. In some instances, SWCAA requires facilities to have personnel on-site that are certified in Method 9 for purpose of determining compliance

2. SWCAA often required monitoring baghouse pressure drop to assure compliance with particulate and opacity emission limits. Monitoring experts within EPA have concluded that pressure drop is not a reliable approach for monitoring baghouse compliance. Alternatives to pressure drop include opacity and bag leak detectors and can be combined with a good operation and maintenance program. SWCAA should avoid relying on pressure drop monitoring to assure baghouse compliance.

SWCAA Response: *SWCAA utilizes periodic source emission testing and periodic (usually monthly) visual observations (Method 22) as this comment suggests as the primary method of determining compliance with particulate and opacity emission limits. The suggested use of bag leak detectors has merit, and SWCAA will be exploring this option in future permitting actions. SWCAA’s use of baghouse pressure drop is a secondary method of determining compliance with particulate and opacity emission limits. It is a parameter that can be routinely monitored by plant staff and agency representatives to provide a quick indication of performance.*

SWCAA 2019 Update:

As mentioned in 2 above, SWCAA is moving away from Method 22 as a monitoring provision. In addition, SWCAA agrees that monitoring of baghouse pressure drop in itself, is not an indicator of compliance, but does provide an indication of attention to operations and maintenance programs referred to above. To the degree that this monitoring requirement continues to exist in NSR permits, this condition will continue to be included in the Title V permit. As the opportunity arises in the NSR permit program, this requirement will be phased out in favor of other monitoring provisions.

3. SWCAA's permits do not consistently address compliance assurance monitoring (CAM) applicability and CAM-based monitoring decisions. CAM is a very important aspect of Title V permits and should be clearly explained in statements of basis.

SWCAA Response: *SWCAA agrees with this comment and will be more diligent in the future in addressing CAM determinations in the Statement of Basis, and provide more detail regarding CAM based monitoring decisions in its Title V permits. Please note that CAM does not apply to all of the Title V facilities at SWCAA. In addition, selected SWCAA facilities are still operating under their original Title V permits. The first round of SWCAA permits were issued prior to promulgation of the current CAM requirements. Hence, CAM provisions are not addressed in those permits, but will become applicable upon the first Title V permit renewal. SWCAA is incorporating CAM provisions as appropriate in each renewal permit. SWCAA expects the incorporation of CAM to have little impact on existing permit conditions because appropriate compliance monitoring has already been established in the associated NSR permitting actions.*

SWCAA 2019 Update:

Through the Title V permit renewal process, SWCAA has incorporated CAM requirements into each Title V permit for each facility where CAM is applicable or made a determination and documented that CAM is not applicable.

4. SWCAA's permits often contained tiered approaches to monitoring, commonly for opacity and particulate emission limits. The approach normally begins with some sort of an observation which can lead to corrective actions, additional observations and eventually deviation reporting. Only occasionally did the monitoring scheme lead to a reference method test (e.g. RM 9) and rarely to a particulate matter test. Where initial observations indicate possible concerns about compliance, the permit can be designed to automatically require a reference method test to confirm compliance. This is particularly appropriate where the initially-observed concerns recur often or are not promptly corrected. When renewing permits, SWCAA should add specific reference method testing where appropriate and consider the use of "automated" test requirements.

SWCAA Response: *As noted in the comment, SWCAA's monitoring requirements often include a tiered approach with progressively more sophisticated monitoring if there is cause for concern in regard to observations or plant data which suggest areas of possible noncompliance. SWCAA will incorporate specific reference method testing where appropriate and add the use of "automated" test requirements.*

SWCAA 2019 Update:

Addressed - no change to this response.

5. Occasionally, SWCAA's permits contained operation and maintenance requirements mixed in with monitoring requirements. Monitoring is generally used to identify problems (or assure there are no problems) while maintenance is used to avoid problems or to address identified problems. Finally, operation and maintenance requirements do not necessarily satisfy the need to have monitoring; in fact, monitoring should be specified to assure compliance with any operation and maintenance requirements. SWCAA should consider this type of clarification during future permit renewals.

SWCAA Response: *SWCAA will review each permit at renewal time to ensure that monitoring activities are clearly separated from operations and maintenance requirements.*

SWCAA 2019 Update:

Addressed – no change to this response.

Other Observations

None.

D. Public Participation and Affected State Review

Good Practices

1. In addition to publishing public notices in a local newspaper and sending them to their maintained mailing list, SWCAA uses the WDOE Air Operating Permit Register and posts them on the SWCAA website. Notices are also sent to a list of affected states and tribes. Individuals on SWCAA's mailing list can request to receive all notices or just specific notices.

Concerns

1. Like many of the permitting authorities across the country, SWCAA provides the permittee with a pre-draft permit for review and comment before the draft permit goes out for public comment. Soliciting the permittee's input on the factual aspects of the permit can help to reduce errors in the permit and help educate the permittee on its obligations under the permit. Working with the permittee on developing the substantive requirements of the permit, however, can create the impression that the permit issuance process is not an open process. SWCAA should carefully balance these interests as it works with permittees during the development and issuance of Title V permits.

SWCAA Response: *SWCAA does not work with the permittees when developing substantive requirements. Substantive requirements are generally pre-existing,*

originating from NSR permitting actions, applicable regulations, and other enforcement documents. Substantive requirements are not open for negotiation or review under Title V. Only the factual aspects of the permit are available for comment. SWCAA is very diligent, and will continue to be diligent, to ensure that there is no appearance of a non-open process.

SWCAA 2019 Update:

Addressed – no changes to response.

Other Observations

None.

E. Permit Issuance / Revision / Renewal

Good Practices

None.

Concerns

1. SWCAA noted that issuance of several permits has been delayed due to NSR and MACT issues. In their last TOPS report (January thru 2007), three permits had been extended past 5 years pending renewal and one significant modification application was older than 18 months. EPA has recognized ways to avoid permit issuance delays when new MACT standards and complicated NSR enforcement actions are not yet resolved. SWCAA should continue to manage their workload in a practical way while meeting the regulatory deadlines for permit issuance.

***SWCAA Response:** SWCAA has focused on this issue in recent months and as of 1/10/2008 only one permit is currently extended past 5 years. SWCAA has several sources that are subject to MACT standards that have been promulgated and have been vacated in full or in part. As noted previously, this situation has complicated the Title V permitting process. SWCAA is working through each of these permits in an orderly and informed fashion, but additional time is required in each case to ensure that appropriate terms and conditions are incorporated into the final permit language.*

SWCAA 2019 Update:

Addressed – no changes to response. One permit is currently extended due to NSR and MACT incorporation and one permit is extended due to SSI rule requirements that the facility is not in compliance with, so the permit cannot be reissued.

2. SWCAA does not require minor permit applications to include a certification by a responsible official. This is required by Part 70. SWCAA should expect certification with minor permit modifications.

SWCAA Response: *During the audit, SWCAA misunderstood this question to relate to its minor source permit program. Upon further review, we understand the question relates to minor modifications of a Title V permit. Under the SWCAA Title V program, most submittals have contained a certification by a responsible official. In the future, SWCAA will be more diligent to ensure that every permit action includes a certification by a responsible official.*

SWCAA 2019 Update:

Addressed – no changes to response.

3. SWCAA's fee structure bases part of the fee on the number of emission units to account for permit complexity. The emission unit concept in Title V generally allows useful flexibility in grouping or non-grouping of plant site activities based on a number of factors such as similar applicable requirements or operations. This can make implementation of the permit requirements more practical. Placing a price (by basing the fee) on the number of emission units can put these intentions at odds with each other. SWCAA should consider ways to take advantage of the flexibility provided by the emission unit concept despite the fee system design.

SWCAA Response: *SWCAA does consider flexible approaches in making emission unit groupings at affected facilities. The potential effect on fees is not a consideration in grouping determinations. SWCAA's minor source program and Title V program share a common emission unit structure that groups similar emission units when it is practical for purposes of implementing requirements or operations. In practice, grouping determinations are driven by the need to develop permit conditions that are understandable and enforceable as a practical matter. Title V permit conditions are based on major and minor source NSR permits. Only on a rare occasion are permit conditions developed under the gap filling provisions of Title V. SWCAA tries to maintain as much continuity as possible between the minor source and Title V permitting programs in making these determinations.*

SWCAA 2019 Update:

Addressed – no changes to the response.

Other Observations

None.

F. Compliance

Good Practices

1. SWCAA requires all deviations to be reported no later than 30 days after the end of the month in which they were discovered, with some reported sooner. This should allow SWCAA to ensure more timely mitigation and enforcement as needed.

Concerns

1. Even where it was apparent that emission testing had been required by and performed under a previously issued permit, rarely did the statement of basis discuss the results or rely on the results for making future testing or monitoring decisions. Where testing was required, rarely were emission unit and control equipment operational parameters recorded and related to the test results to assure the parameters monitored truly represent compliance. Source-specific test data can be very useful for designing an appropriate compliance monitoring approach. SWCAA should not only document the results but consider them when requiring monitoring for future permits.

SWCAA Response: *SWCAA will provide a better description of the testing history of affected sources in the Statement of Basis for each Title V permit. It should be noted that the majority of the equipment specific testing and monitoring requirements found in SWCAA's Title V permits are drawn directly from underlying NSR permits. Compared with other air agencies, SWCAA has a long history of requiring emission testing and compliance monitoring in its NSR permits. There has been little need for additional measures to be implemented via the Title V permitting process. For other Washington agencies where this has not been done, the Title V permitting process often includes the development of comprehensive testing/monitoring schemes under Part 70 'gap-filling' provisions. However, current EPA guidance for gap-filling monitoring precludes SWCAA from using a Title V permit to change or 'enhance' testing/monitoring measures established in underlying permits. Hence, SWCAA's Title V permitting actions have not involved significant testing/monitoring decisions.*

If there is a compliance issue that would benefit from source testing, SWCAA would require testing as part of the compliance issue on a basis that is supported by the issue. These decisions are made as part of the compliance process and generally are not anticipated or historically documented in the Title V Statement of Basis.

SWCAA 2019 Update:

Addressed – no changes to the response.

Other Observations

1. The focus of this Title V program review was on SWCAA's implementation of its Title V program. Accordingly, in conducting this Title V program review, EPA did not review monitoring reports or compliance certifications submitted by Title V facilities to determine the extent of compliance with Title V requirements in SWCAA's jurisdiction and whether SWCAA is taking appropriate enforcement actions in response to noncompliance. EPA conducts periodic reviews of state and local Clean Air Act enforcement programs which look at, among other things, source compliance and enforcement actions.

G. Resources and Internal Management Support

Good Practices

1. SWCAA appears to have a sound accounting system which effectively tracks Title V revenues and expenses separate from non-Title V revenues and expenses.
2. SWCAA has been able to avoid significant staff turnover for the last 5 to 6 years. They suggested this was due in part to their use of competitive salaries, merit pay, a good work environment and diversity of work.

Concerns

None.

Other Observations

1. SWCAA would like to see EPA facilitation of more frequent regional training events for Title V permit writers. The regional workshop held in the Spring of 2007 was very informative for new and experienced permit writers and is a good example. SWCAA also thinks that EPA should write standards that are clearer and less complicated.

H. Title V Benefits

Benefits Identified by SWCAA. In response to the program review questionnaire and during the on-site interviews, SWCAA identified a number of benefits that have resulted from implementation of the Title V program.

1. SWCAA staff better understand how to design enforceable monitoring terms to assure compliance and how to write enforceable permits terms.
2. Occasionally, the permit issuance process identified compliance problems prior to the submittal of an application.
3. Permittees are devoting more resources to compliance monitoring and have a better awareness of compliance obligations.
4. Title V has resulted in better documentation of the basis for applicable requirements (in the statement of basis).
5. NSR permits have been adjusted to more closely resemble Title V permits to ease incorporation of requirements and now have the equivalent of a statement of basis.
6. SWCAA uses Title V information to target inspections and/or enforcement.

7. Title V fees have been helpful in running the program by providing more resources for staff such as CFRs and computers, better funding for travel to sources and stable funding despite fluctuations in funding for other state programs.

I. Document Review (Rules/Forms/Guidance)

Good Practices

1. SWCAA's web site contains all of their Title V permits and statements of basis, as well as many of the supporting documents such as construction approvals and consent decrees. This is a very effective way to make these permit-related documents available to industry and the general public.

Concerns

None.

Other Observations

1. SWCAA would like to see EPA make more of an effort to facilitate national/regional consistency in explaining Part 70 program requirements. Nationally consistent interpretation of Part 70 program elements would be helpful.

SOUTHWEST CLEAN AIR AGENCY

TITLE V PERMIT FEE ASSESSMENT FOR 2018-2019
 FEES CALCULATED BASED ON 2017 EMISSIONS AND ACTIVE FACILITIES AS OF 6/26/18

Projected program budget for 2018-2019	\$648,834	# of sources =	13	6/26/2018
Title V Reserve Fund Contribution	30			
Program Carryover from 2017/2018 Fiscal Year	\$41,298	(projected end of June from May 2018 Financial Board Report)		
Total program budget for 2018/2019	\$690,132			
33% Sources Portion	\$168,512.00			
33% Complexity Portion	\$168,512.00			
33% Emission Portion	\$168,512.00			

Emissions are 2015 actual amounts

COMPANY	Emission Units	CO Tons (T)	NO _x Tons (T)	VOC/HAP Tons (T)	SO _x Tons	PM ₁₀ Tons (T)	TOTAL FEE TONS (T)	TONNAGE FEE	FLAT FEE	COMPLEXITY FEE	TOTAL FEE
Continental FG Wichita	7	137.11	809.17	13.90	\$6.22	16.02	894.31	\$ 14,733.96	\$ 11,234.13	\$ 6,080.33	\$ 32,068.42
City of Vancouver - Westside Wastewater Treatment	7	0.98	2.30	13.06	0.43	0.41	18.22	\$ 307.19	\$ 11,234.13	\$ 6,080.33	\$ 17,621.65
Clark Public Utilities - River Road (2)	5	10.99	53.83	0.03	2.76	23.90	87.54	\$ 1,367.71	\$ 11,234.13	\$ 4,343.09	\$ 16,958.94
Clark County - Henderson Landfill (11)	4	10.79	6.62	18.40	9.72	1.87	36.81	\$ 603.98	\$ 11,234.13	\$ 4,474.47	\$ 15,312.58
Engle US 2 (1)	3	77.70	-	0.01	-	0.38	0.39	\$ 6.43	\$ 11,234.13	\$ 6,548.56	\$ 18,169.12
Enterprise National (2)	72	19.33	83.70	\$4.30	3.17	19.70	140.16	\$ 2,923.87	\$ 11,234.13	\$ 62,340.54	\$ 76,508.54
Harrison Lumber Mills (1)	6	31.29	50.94	116.76	1.04	37.02	199.76	\$ 3,295.56	\$ 11,234.13	\$ 3,217.71	\$ 19,747.40
Harrison Lumber Mills / Ranch	5	51.40	60.80	70.16	17.46	26.34	174.86	\$ 2,864.77	\$ 11,234.13	\$ 4,343.09	\$ 18,461.99
Vista Farm Generation, LLC (2)	3	12.68	32.52	14.39	5.77	16.30	68.77	\$ 1,124.54	\$ 11,234.13	\$ 2,605.86	\$ 14,974.53
Northwest Pipeline Company - Chebolla (4)	7	5.23	16.62	1.47	0.28	1.20	20.38	\$ 336.22	\$ 11,234.13	\$ 6,080.33	\$ 17,650.68
Northwest Pipeline Company - Washburn (4)	5	3.77	14.14	1.29	0.18	1.08	16.83	\$ 277.65	\$ 11,234.13	\$ 4,343.09	\$ 15,854.88
Orion Petroleum Group (Canadian Inc. (1)	23	1.87	7.26	13.30	0.28	6.09	24.35	\$ 396.59	\$ 11,234.13	\$ 19,978.24	\$ 21,708.96
Orion Petroleum Group (Canadian Inc. (1)	5	4.28	17.39	49.33	9.52	16.93	133.21	\$ 2,199.54	\$ 11,234.13	\$ 4,343.09	\$ 17,776.80
Parsons Brinckerhoff - Cameron	23	1399.33	6,212.96	12.37	1,700.56	422.69	8,373.53	\$15,743.06	\$ 11,234.13	\$ 19,978.24	\$369,133.42
Parsons Brinckerhoff - Cameron	14	0.70	1.98	0.99	-	13.73	18.72	\$ 308.83	\$ 11,234.13	\$ 12,160.86	\$ 23,703.83
TOTALS	194	1,199.43	7,424.11	318.72	1,811.23	606.79	10,214.24	\$168,512.00	\$168,512.00	\$ 168,512.00	\$567,536.00

- (1) Potential emissions from this facility are below the applicable major source threshold. However, the facility is subject to 40 CFR 63. Subject sources which make a facility subject to the Air Operating Permit program.
- (2) Potential emissions from this facility are below the applicable major source threshold. However, the facility is a Title V source which makes it subject to the Air Operating Permit program.
- (3) Emission limits for Harrison Lumber Mills. Major includes emissions and emission units from a designated support facility (Harrison Drylog).
- (4) Potential to emit is over 100 tpy for both NO_x and CO.
- (5) This facility is subject to the Air Operating Permit program due to its support facility relationship with Transalva - Central Generation.
- (6) Wadsworth was removed as a subject facility this year because WAC 173-401 was revised to exclude GRTG as the primary reason to subject a facility to the Title 5 program. Criteria pollutant emissions from this facility are below the applicable TV thresholds.
- (7) Emissions of carbon monoxide (CO) are NOT used to assess fees pursuant to WAC 173-401-200(27) and SWCAA 400-103(2)(c).
- (8) PM₁₀ emissions include fugitive emissions and considerable particulate matter. PM₁₀ emissions will be used for purposes of calculating PM emissions pursuant to SWCAA 400-103(2)(c) when such data is provided by the source. Source test data is required to demonstrate the PM₁₀ portion of total PM emissions.
- (9) Quantification of HAP compounds does not double count those compounds reported as VOC or PM₁₀. Emission entry for Transalva Generation requires total reported VOC emissions.
- (10) Methanol storage subject to fee assessment is 7500 tpy for each petroleum type pursuant to RCW 70.94.151(1)(4)(c).
- (11) Potential emissions from this facility are below the applicable major source threshold. However, the facility is subject to 40 CFR 60. Subpart www which makes it subject to the Air Operating Permit program.
- (12) The billing spreadsheet for Transalva Generation for 2014-2015 for NO_x was limited to 7500 tpy as per footnote 10. Tons included in billing for NO_x were 7793.25 or 293.25 tons more than allowed. For 2015/2016 Transalva Generation tons are reduced from 7500 tpy by 293.25 to a total of 7206.75. The number of fractions stays the same so offsetting tone calculation are accommodated in the fee calculations. Transalva Generation actual NO_x tons for 2014 (previous years calculations) were 7525.04 over the 7500 tpy threshold.
- (13) Engle US2 reported actual 2015 emissions of CO at 93.6 tpy in their Title 5 application cover letter dated 02/20/16. A projected Registration Fee for 2016/2017 is \$4948.80. Using 1/4 of the Registration fee (\$1237.20) and 3/4 of the projected Title 5 fee of \$16845.06 (\$12,633.80), total amount due is \$1,237.20 plus \$12,633.80 or \$13,871.00. For 18/19 the facility is subject to TS due to PTE for CO. A PSD application and other NESH application will likely result in their facility becoming an OPT-COIT facility at some point during the year.

Note:
 The projected program budget for the Title V Program is derived from a revised workload analysis performed by SWCAA in 2007. Using the same method used in the original 1997 workload analysis and a base budget of \$471,467 for 13 sources, SWCAA has determined the incremental program cost attributable to the determination of a single source from a total cost of \$1 to be \$25,780. (See Incremental Calculation spreadsheet for details.)
 The number of emission units listed in the fee calculation table is based on the number of emission units identified in each facility's Title V permit or the number of emission units identified on the emission reduction report as assigned with ADP issuance. See workload.
 The emission unit count for sources with support facilities includes emission units permitted or operating at the sanctioned support facility.

Appendix D

SWCAA Title V - Account Running Balance

Fiscal Year	From T5 Worksheet	From May Financial Projection	From Original T5 Worksheet	From June Board Financial Actual	Column M from last year	Column E + Col F Carry	From June Board Financial	Actuals Col E - Col H	Risk Reserve	ACF Appropriation Reserve	TS Reserve	From T5 Worksheet	Program Case per Source	TA Gen % of Total	Program Case per Source		Fee Tonnage	Cost per ton	Facility Overweight Fee	
															Unspent	Billing \$ yr avg				
	Prop Budget	Unspent	Amount	Revenue	Forward	Revenue Available	Expenses	Unspent \$	Out	transferred out	Transferred	Rolling	FY	Billing	Billing	FY	Billing	FY	Billing	
1997/1998	\$344,000.00	\$0.00	\$344,000.00	\$299,254.00	\$0.00	\$299,254.00	\$275,749.72	\$17,704.28				10	\$27,575			\$123,436	44.8%	\$16,924	21,155	\$16.26
1998/1999	\$318,000.00	\$0.00	\$318,000.00	\$317,999.00	\$17,704.28	\$335,703.28	\$293,820.83	\$24,178.17				10	\$29,382			\$122,521	41.7%	\$19,039	19,417	\$16.58
1999/2000	\$408,000.00	\$30,000.00	\$378,000.00	\$370,850.40	\$41,882.45	\$412,774.85	\$397,704.98	(\$26,812.38)				14	\$28,407			\$128,431	32.2%	\$20,713	21,341	\$19.12
2000/2001	\$386,000.00	\$11,000.00	\$375,000.00	\$358,938.01	\$15,069.87	\$373,897.88	\$362,816.28	(\$3,989.27)				13	\$27,909			\$128,914	35.5%	\$19,492	18,532	\$20.81
2001/2002	\$363,000.00	\$3,000.00	\$360,000.00	\$363,016.72	\$11,081.60	\$374,098.32	\$366,132.90	(\$3,117.18)				12	\$30,511	\$28,757		\$131,922	36.0%	\$21,292	\$19,491	\$18.69
2002/2003	\$322,000.00	(\$6,500.00)	\$328,500.00	\$328,501.00	\$7,964.42	\$336,465.42	\$328,141.00	\$160.00				10	\$32,814	\$29,805		\$124,365	37.9%	\$22,642	\$20,634	\$18.41
2003/2004	\$322,000.00	(\$10,000.00)	\$332,000.00	\$326,812.25	\$8,324.42	\$335,136.67	\$263,773.03	\$68,039.32	\$61,363.64		\$10,000.00	10	\$26,377	\$29,204		\$114,527	43.4%	\$16,583	\$20,144	\$19.21
2004/2005	\$322,000.00	\$0.00	\$322,000.00	\$322,000.00	(\$0.00)	\$322,000.00	\$289,211.61	\$32,788.39	\$27,788.39			10	\$28,921	\$29,307		\$121,702	42.1%	\$18,612	\$19,724	\$19.34
2005/2006	\$386,500.00	\$0.00	\$386,500.00	\$386,662.64	(\$0.00)	\$386,662.64	\$301,162.14	\$85,500.50	\$80,500.50			13	\$23,166	\$26,358		\$137,608	45.7%	\$13,630	\$18,552	\$21.03
2006/2007	\$365,000.00	\$0.00	\$365,000.00	\$374,836.47	\$0.00	\$374,836.47	\$312,961.53	\$61,874.94		\$20,000.00		12	\$26,080	\$27,472		\$138,297	44.2%	\$15,879	\$17,469	\$20.43
2007/2008	\$365,000.00	\$27,589.00	\$337,411.00	\$318,307.35	\$41,874.94	\$360,382.29	\$361,810.10	(\$41,302.73)				12	\$30,151	\$26,939		\$124,643	34.5%	\$21,560	\$17,253	\$18.08
2008/2009	\$365,000.00	(\$10,707.00)	\$375,707.00	\$375,707.08	(\$1,427.81)	\$374,279.27	\$341,326.92	\$34,380.16				12	\$28,444	\$27,352		\$142,677	41.8%	\$18,059	\$17,548	\$21.17
2009/2010	\$365,000.00	\$51,124.00	\$313,876.00	\$313,875.43	\$32,352.35	\$346,827.78	\$402,521.25	(\$58,643.82)				13	\$30,963	\$27,761		\$137,664	34.2%	\$22,071	\$18,240	\$21.17
2010/2011	\$386,500.00	(\$36,740.00)	\$389,535.00	\$389,535.14	\$5,323.53	\$394,860.67	\$447,831.66	(\$38,296.32)	(\$16,965.00)		\$20,000.00	13	\$34,449	\$30,017		\$138,061	31.0%	\$23,738	\$20,661	\$14.18
2011/2012	\$445,678.00	(\$5,797.00)	\$476,456.00	\$476,455.99	(\$5,005.99)	\$420,450.00	\$381,524.73	\$94,931.24	(\$16,965.00)			11	\$34,694	\$31,738		\$169,391	44.4%	\$21,213	\$21,728	\$11.27
2012/2013	\$471,467.00	\$44,298.00	\$454,502.00	\$454,502.01	\$55,090.25	\$510,392.26	\$440,816.64	\$113,685.37	(\$16,965.00)			12	\$36,733	\$33,055		\$163,795	37.2%	\$25,184	\$22,453	\$12.16
2013/2014	\$471,467.00	\$25,731.00	\$428,771.00	\$533,063.91	\$86,540.62	\$619,604.53	\$595,490.56	(\$61,426.45)	(\$16,965.00)			12	\$49,624	\$37,291		\$40,281	\$26,897	\$12.14	\$38.82	
2014/2015	\$471,467.00	(\$3,074.00)	\$469,040.00	\$472,045.09	\$41,078.97	\$513,124.06	\$496,868.94	(\$34,823.83)	(\$16,965.00)			11	\$45,170	\$40,152		\$157,522	31.7%	\$33,955	\$29,274	\$13.04
2015/2016	\$497,256.00	\$43,030.00	\$542,286.00	\$542,476.00	\$33,220.12	\$575,696.12	\$472,207.86	\$70,268.14				13	\$36,324	\$40,507		\$181,704	38.5%	\$24,209	\$28,968	\$12.55
2016/2017	\$497,256.00	\$102,730.00	\$394,526.00	\$394,526.00	\$103,488.26	\$498,014.26	\$412,367.83	(\$118,411.88)				13	\$31,798	\$39,930		\$137,039	33.2%	\$23,027	\$29,331	\$9.82
2017/2018	\$497,256.00	\$86,114.00	\$411,142.00	\$411,142.01	\$84,646.41	\$495,788.42	\$470,797.06	(\$29,653.05)				13	\$36,215	\$39,826		\$138,681	29.5%	\$27,676	\$29,830	\$7.65
2018/2019	\$548,834.00	\$84,058.00	\$468,252.00	\$461,188.34	\$78,139.63	\$539,327.97	\$469,136.78	(\$7,948.44)				14	\$32,175	\$36,336		\$176,799	39.2%	\$21,050	\$25,983	\$12.56
2019/2020	\$548,834.00	\$43,298.00	\$505,536.00	\$505,536.00	\$70,191.19	\$575,727.01	\$486,316.77	(\$19,709.95)				15	\$31,276	\$33,557		\$161,432	34.4%	\$21,979	\$25,588	\$12.16
2020/2021	\$548,834.00	\$14,376.00	\$514,458.00	\$514,458.00	\$50,401.24	\$564,859.24	\$511,536.39	\$2,921.61				14	\$34,737	\$33,240		\$155,566	32.0%	\$23,442	\$23,835	\$10.56
2021/2022	\$548,834.00	\$43,298.00	\$505,536.00	\$505,536.00	\$53,322.85	\$558,858.85	\$511,536.39	\$2,921.61				15	\$34,102	\$33,701		\$169,355	33.1%	\$24,441	\$24,116	\$9.94

- 1.) Depreciation reserve column was added when \$20,000 was erroneously recorded on the 'Building Reserve' column. This caused a mistaken fund identity issue during the 04/05 Audit (1/18/06).
- 2.) Revenue total for 06/07 is \$189,535.14 because the \$27,113.10 is part of the 05/06 Supplemental Billing shown on a separate line.
- 3.) Expense total for 06/07 is \$447,831.66 plus \$20,000 = \$467,831.66; \$20,000 is shown separately because it was used to bring the Title V Reserve total to \$40,000.
- 4.) First year of Building Reserve payback revision. Five installments totaling \$84,825.00
- 5.) Expenses reduced by \$36,740; entered to SWAPA to show pay back of over spending expenses, but was included in expense total by mistake which resulted in expenses getting counted twice.
- 6.) Expenses reduced by \$850; entered to SWAPA to show pay back of over spending expenses, but was included in expense total by mistake which resulted in expenses getting counted twice.
- 7.) Expenses reduced by \$16,511; entered to SWAPA to show pay back of over spending expenses, but was included in expense total by mistake which resulted in expenses getting counted twice.

2016-1	Sources	Active Permits	Initial Permits	Initial < 18 mo.	Outstanding App.	Expired Permits	Extended Permits	Sig. Mod	Sig. Mod < 18 mo.	Outstanding Sig. Mod.
AK	148	152	1	1	1	0	42	7	5	2
ID	49	47	0	0	0	0	12	0	0	0
OR	111	109	1	1	2	0	41	2	2	1
OR - LRAPA	18	17	0	0	0	1	4	1	1	0
WA - BCAA	2	2	0	0	0	0	0	0	0	0
WA - NWCAA	23	23	0	0	2	0	4	0	0	0
WA - ORCAA	12	12	0	0	0	0	5	0	0	0
WA - PSCAA	31	24	0	0	0	0	19	0	0	0
WA - SRCAA	9	8	0	0	1	0	4	0	0	0
WA - SWCAA	14	13	1	0	1	0	6	1	1	0
WA - YRCAA	4	4	0	0	0	0	0	0	0	0
WA - CRO	5	5	0	0	0	0	0	0	0	0
WA - ERO	12	10	0	0	0	0	6	0	0	0
WA - Nuclear	1	1	0	0	0	0	0	0	0	1
WA - Industrial	9	9	0	0	0	0	5	0	0	0
WA - total	27	25	0	0	0	0	11	0	0	1
WA - EFSEC	2	1	0	0	1	0	0	0	0	0

Part 71

	Sources	Active Permits	Indian Country	OCS	Deepwater Ports	In place of P70	Initial < 18 mo.	Outstanding App.	Expired Permits	Extended Permits	Sig. Mod	Sig. Mod < 18 mo.	Outstanding Sig. Mod.
R10	8	7	7	0	0	0	0	1	0	2	1	1	0

2016-2												% outstanding	
Sources (2.c)	Active Permits (3)	Initial Permits (4.a)	Initial < 18 mo. (4.b)	Outstanding App. (5)	Expired Permits (6.a)	Extended Permits (6.b)	Sig. Mod (7.a)	Sig. Mod < 18 mo. (7.b)	Outstanding Sig. Mod. (8)	% extended	+ extended		
AK	149	154	0	0	0	27	5	4	1	18%	18%		
ID	47	47	0	0	0	9	0	0	0	19%	19%		
OR	109	106	0	0	2	0	43	0	0	41%	41%		
OR - LRAPA	18	18	0	0	0	1	4	1	1	0	22%	22%	
Total OR	127	124	0	0	2	1	47	1	1	1	38%	39%	
WA - BCAA	2	2	0	0	0	0	0	0	0	0	0%	0%	
WA - NWCAA	23	23	0	0	2	0	6	0	0	0	26%	35%	
WA - ORCAA	11	11	0	0	0	0	7	0	0	0	64%	64%	
WA - PSCAA	31	25	0	0	6	0	19	0	0	0	76%	81%	
WA - SRCAA	9	8	0	0	1	0	3	0	0	1	38%	44%	
WA - SWCAA	15	13	0	0	1	0	8	1	1	0	62%	60%	
WA - YRCAA	4	4	0	0	0	0	0	0	0	0	0%	0%	
Total CAAs	95	86	0	0	10	0	43	1	1	1	50%	56%	
WA - CRO	5	5	0	0	0	0	1	0	0	0	20%	20%	
WA - ERO	13	10	0	0	2	0	6	0	0	0	60%	62%	
WA - Nuclear	1	1	0	0	0	0	0	1	1	0	0%	0%	
WA - Industrial	9	9	0	0	0	0	6	0	0	0	67%	67%	
WA - total	28	25	0	0	2	0	13	1	1	0	52%	54%	
WA - EFSEC	2	1	1	1	1	0	0	0	0	0	0%	50%	
Total WA	125	112	1	1	13	0	56	2	2	1	50%	55%	
Total Part 70	448	437	1	1	15	1	139	8	7	3	32%	34%	
Part 71													
Sources	Active Permits	Indian Country	OCS	Deepwater Ports	In place of P70	Initial < 18 mo.	Outstanding App.	Expired Permits	Extended Permits	Sig. Mod	Sig. Mod < 18 mo.	Outstanding Sig. Mod.	
R10	8	6	6	0	0	0	0	1	0	1	0	0	

2017-1												% outstanding	
Sources (2.c)	Active Permits (3)	Initial Permits (4.a)	Initial < 18 mo. (4.b)	Outstanding App. (5)	Expired Permits (6.a)	Extended Permits (6.b)	Sig. Mod (7.a)	Sig. Mod < 18 mo. (7.b)	Outstanding Sig. Mod. (8)	% extended	+ extended		
AK	150	153	3	2	1	0	30	2	2	2	20%	21%	
ID	47	47	0	0	0	0	5	0	0	0	11%	11%	
OR	109	107	1	0	1	0	43	2	2	1	40%	40%	
OR - LRAPA	18	18	0	0	0	1	5	0	0	0	28%	28%	
Total OR	127	125	1	0	1	1	48	2	2	1	38%	39%	
WA - BCAA	2	2	0	0	0	0	0	0	0	0	0%	0%	
WA - NWCAA	23	23	0	0	2	0	4	0	0	0	17%	26%	
WA - ORCAA	11	11	0	0	0	0	6	0	0	0	55%	55%	
WA - PSCAA	32	24	0	0	7	0	20	0	0	0	83%	84%	
WA - SRCAA	9	8	0	0	1	0	3	0	0	1	38%	44%	
WA - SWCAA	15	13	0	0	1	0	7	0	0	0	54%	53%	
WA - YRCAA	4	4	0	0	0	0	0	0	0	0	0%	0%	
Total CAAs	96	85	0	0	11	0	40	0	0	1	47%	53%	
WA - CRO	5	5	0	0	0	0	2	0	0	0	40%	40%	
WA - ERO	13	10	0	0	2	0	6	0	0	0	60%	62%	
WA - Nuclear	1	1	0	0	0	0	0	0	0	0	0%	0%	
WA - Industrial	9	9	0	0	0	0	5	0	0	0	56%	56%	
WA - total	28	25	0	0	2	0	13	0	0	0	52%	54%	
WA - EFSEC	2	1	0	0	1	0	0	0	0	0	0%	50%	
Total WA	126	111	0	0	14	0	53	0	0	1	48%	53%	
Total Part 70	450	436	4	2	16	1	136	4	4	4	31%	34%	
Part 71													
Sources	Active Permits	Indian Country	OCS	Deepwater Ports	In place of P70	Initial < 18 mo.	Outstanding App.	Expired Permits	Extended Permits	Sig. Mod	Sig. Mod < 18 mo.	Outstanding Sig. Mod.	
R10	8	6	6	0	0	0	0	1	0	1	0	0	

2017-2												%	
	Sources (2.c)	Active Permits (3)	Initial Permits (4.a)	Initial < 18 mo. (4.b)	Outstanding App. (5)	Expired Permits (6.a)	Extended Permits (6.b)	Sig. Mod (7.a)	Sig. Mod < 18 mo. (7.b)	Outstanding Sig. Mod. (8)	% extended	+ extended	
AK	150	153	1	0	1	0	29	1	1	1	19%	20%	
ID	47	47	0	0	0	0	5	0	0	0	11%	11%	
OR	107	105	0	0	1	0	37	0	0	1	35%	36%	
OR - LRAPA	18	17	0	0	0	1	5	0	0	0	29%	28%	
Total OR	125	122	0	0	1	1	42	0	0	1	34%	34%	
WA - BCAA	2	2	0	0	0	0	0	0	0	0	0%	0%	
WA - NWCAA	23	23	0	0	2	0	5	0	0	0	22%	30%	
WA - ORCAA	11	11	0	0	0	0	6	0	0	0	55%	55%	
WA - PSCAA	32	24	0	0	7	0	13	0	0	0	54%	63% corrected 6.b	
WA - SRCAA	9	8	0	0	1	0	1	0	0	1	13%	22%	
WA - SWCAA	15	13	0	0	1	0	7	0	0	0	54%	53%	
WA - YRCAA	4	4	0	0	0	0	1	0	0	0	25%	25%	
Total CAAs	96	85	0	0	11	0	39	0	0	1	46%	52%	
WA - CRO	5	5	0	0	0	0	2	0	0	0	40%	40%	
WA - ERO	13	10	0	0	2	0	6	0	0	0	60%	62%	
WA - Nuclear	1	1	0	0	0	0	0	0	0	0	0%	0%	
WA - Industrial	9	11	0	0	0	0	5	0	0	0	45%	56%	
WA - total	28	27	0	0	2	0	13	0	0	0	48%	54%	
WA - EFSEC	2	1	0	0	1	0	0	0	0	0	0%	50%	
Total WA	126	113	0	0	14	0	52	0	0	1	46%	52%	
Total Part 70	448	435	1	0	16	1	128	1	1	3	29%	32%	
Part 71													
	Sources	Active Permits	Indian Country	OCS	Deepwater Ports	In place of P70	Initial < 18 mo.	Outstanding App.	Expired Permits	Extended Permits	Sig. Mod	Sig. Mod < 18 mo.	Outstanding Sig. Mod.
R10	9	6	6	0	0	0	0	2	0	1	0	0	0

2018-1	Total Sources (2.c)	Active Permits (3)	Initial Permits issued (4.a)	Initial issued < 18 mo. (4.b)	Outstanding initial App. (5)	Expired Permits (6.a)	Extended Permits (6.b)	Sig. Mod issued (7.a)	Sig. Mod issued < 18 mo. (7.b)	Outstanding Sig. Mod. > 18 mo (8)	% extended	% outstanding + extended		
AK	150	148	1	1	3	0	28	4	3	0	19%	21%		
ID	48	47	0	0	0	0	5	0	0	0	11%	10%		
OR	106	104	0	0	1	0	37	0	0	2	36%	36%		
OR - LRAPA	18	17	0	0	0	1	7	1	0	0	41%	39%		
OR - Total	124	121	0	0	1	1	44	1	0	2	36%	36%		
WA - CRO	5	5	0	0	0	0	2	0	0	1	40%	40%		
WA - ERO	13	10	0	0	1	0	6	0	0	0	60%	54%		
WA - Nuclear	1	1	0	0	0	0	1	0	0	0	100%	100%		
WA - Industrial	9	11	0	0	0	0	4	0	0	0	36%	44%		
WA - Ecology Total	28	27	0	0	1	0	13	0	0	1	48%	50%		
WA - BCAA	2	2	0	0	0	0	0	0	0	0	0%	0%		
WA - NWCAA	23	23	0	0	2	0	5	0	0	0	22%	30%		
WA - ORCAA	11	11	0	0	0	0	5	0	0	0	45%	45%		
WA - PSCAA	32	24	0	0	7	0	13	0	0	0	54%	63%		
WA - SWCAA	15	13	0	0	2	0	6	0	0	0	46%	53%		
WA - SRCAA	8	8	0	0	0	0	1	0	0	1	13%	13%		
WA - YRCAA	4	4	0	0	0	1	1	0	0	0	25%	25%		
Total CAAs	95	85	0	0	11	1	31	0	0	1	36%	44%		
WA - EFSEC	2	1	0	0	1	0	0	0	0	0	0%	50%		
WA - Total	125	113	0	0	13	1	44	0	0	2	39%	46%		
Total Part 70	447	429	1	1	17	2	121	5	3	4	28%	31%		
Part 71														
	Total Sources (2c)	Active Permits (3)	Indian Country	OCS	Deepwater Ports	In place of P70	Initial issued (4a)	Initial issued < 18 mo. (4b)	Outstanding Initial App. > 18 m (5)	Expired Permits (6a)	Extended Permits (6b)	Sig. Mod Issued (7a)	Sig. Mod < 18 mo. (7b)	Outstanding Sig. Mod. > 18 mo (8)
R10	8	5	5	0	0	0	0	0	2	0	0	0	0	0

2018-2	Total Sources (2.c)	Active Permits (3)	Initial Permits issued (4.a)	Initial issued < 18 mo. (4.b)	Outstanding initial App. (5)	Expired Permits (6.a)	Extended Permits (6.b)	Sig. Mod issued (7.a)	Sig. Mod issued < 18 mo. (7.b)	Outstanding Sig. Mod. > 18 mo (8)	% extended	% outstanding + extended		
AK	148	150	1	0	3	1	1	3	3	0	1%	3%		
ID	48	47	2	2	0	0	6	0	0	0	13%	13%		
OR	107	104	0	0	2	0	39	0	0	3	38%	38%		
OR - LRAPA	16	16	0	0	0	1	9	1	1	0	56%	56%		
OR - Total	123	120	0	0	2	1	48	1	1	3	40%	41%		
WA - CRO	5	5	0	0	1	0	2	0	0	0	40%	60%		
WA - ERO	13	10	0	0	3	0	4	0	0	0	40%	54%		
WA - Nuclear	1	1	0	0	0	0	1	0	0	0	100%	100%		
WA - Industrial	9	11	0	0	0	0	5	0	0	0	45%	56%		
WA - Ecology Total	28	27	0	0	4	0	12	0	0	0	44%	57%		
WA - BCAA	2	2	0	0	0	0	0	0	0	0	0%	0%		
WA - NWCAA	22	22	0	0	2	0	5	0	0	0	23%	32%		
WA - ORCAA	11	11	0	0	0	0	4	0	0	0	36%	36%		
WA - PSCAA	33	24	0	0	7	0	13	0	0	0	54%	61%		
WA - SWCAA	15	14	1	0	1	0	3	0	0	0	21%	27%		
WA - SRCAA	8	8	0	0	0	0	4	0	0	1	50%	50%		
WA - YRCAA	4	4	0	0	0	1	1	0	0	0	25%	25%		
Total CAAs	95	85	1	0	10	1	30	0	0	1	35%	42%		
WA - EFSEC	2	1	0	0	1	0	0	0	0	0	0%	50%		
WA - Total	125	113	1	0	15	1	42	0	0	1	37%	46%		
Total Part 70	444	430	4	2	20	3	97	4	4	4	23%	26%		
Part 71														
	Total Sources (2c)	Active Permits (3)	Active Indian Country	Active OCS	Active Deepwater Ports	Active In place of P70	Initial issued (4a)	Initial issued < 18 mo. (4b)	Outstanding Initial App. > 18 m (5)	Expired Permits (6a)	Extended Permits (6b)	Sig. Mod Issued (7a)	Sig. Mod < 18 mo. (7b)	Outstanding Sig. Mod. > 18 mo (8)
R10	8	5	5	0	0	0	0	0	3	0	0	0	0	0

2018-2	Total Sources (2.c)	Active Permits (3)	Initial Permits issued (4.a)	Initial issued < 18 mo. (4.b)	Outstanding initial App. (5)	Expired Permits (6.a)	Extended Permits (6.b)	Sig. Mod issued (7.a)	Sig. Mod issued < 18 mo. (7.b)	Outstanding Sig. Mod. > 18 mo (8)	% extended	% outstanding + extended
AK	148	150	1	0	3	1	1	3	3	0	1%	3%
ID	48	47	2	2	0	0	6	0	0	0	13%	13%
OR	107	104	0	0	2	0	39	0	0	3	38%	38%
OR - LRAPA	16	16	0	0	0	1	9	1	1	0	56%	56%
OR - Total	123	120	0	0	2	1	48	1	1	3	40%	41%
WA - CRO	5	5	0	0	1	0	2	0	0	0	40%	60%
WA - ERO	13	10	0	0	3	0	4	0	0	0	40%	54%
WA - Nuclear	1	1	0	0	0	0	1	0	0	0	100%	100%
WA - Industrial	9	11	0	0	0	0	5	0	0	0	45%	56%
WA - Ecology Total	28	27	0	0	4	0	12	0	0	0	44%	57%
WA - BCAA	2	2	0	0	0	0	0	0	0	0	0%	0%
WA - NWCAA	22	22	0	0	2	0	5	0	0	0	23%	32%
WA - ORCAA	11	11	0	0	0	0	4	0	0	0	36%	36%
WA - PSCAA	33	24	0	0	7	0	13	0	0	0	54%	61%
WA - SWCAA	17	15	0	0	1	0	1	0	0	0	7%	12%
WA - SRCAA	8	8	0	0	0	0	4	0	0	1	50%	50%
WA - YRCAA	4	4	0	0	0	1	1	0	0	0	25%	25%
Total CAAs	97	86	0	0	10	1	28	0	0	1	33%	39%
WA - EFSEC	2	1	0	0	1	0	0	0	0	0	0%	50%
WA - Total	127	114	0	0	15	1	40	0	0	1	35%	43%
Total Part 70	446	431	3	2	20	3	95	4	4	4	22%	26%

Part 71

	Total Sources (2c)	Active Permits (3)	Active Indian Country	Active OCS	Active Deepwater Ports	Active In place of P70	Initial issued (4a)	Initial issued < 18 mo. (4b)	Outstanding Initial App. > 18 m (5)	Expired Permits (6a)	Extended Permits (6b)	Sig. Mod Issued (7a)	Sig. Mod < 18 mo. (7b)	Outstanding Sig. Mod. > 18 mo (8)
R10	8	5	5	0	0	0	0	0	3	0	0	0	0	0

SWCAA History												
Half-year	Total Sources (2.c)	Active Permits (3)	Initial Permits issued (4.a)	Initial issued < 18 mo. (4.b)	Outstanding initial App. (5)	Expired Permits (6.a)	Extended Permits (6.b)	Sig. Mod issued (7.a)	Sig. Mod issued < 18 mo. (7.b)	Outstanding Sig. Mod. > 18 mo (8)	% extended	% outstanding + extended
2016-1	14	13	1	0	1	0	6	1	1	0		
2016-2	15	13	0	0	1	0	8	1	1	0	62%	60%
2017-1	15	13	0	0	1	0	7	0	0	0	54%	53%
2017-2	15	13	0	0	1	0	7	0	0	0	54%	53%
2018-1	15	13	0	0	2	0	6	0	0	0	46%	53%
2018-2	15	14	1	0	1	0	3	0	0	0	21%	27%
2019-1	17	15	0	0	1	0	1	0	0	0	7%	12%

Semiannual Title V Permit Data Report

This information request is authorized pursuant to the Information Collection Request for Part 70 Operating Permit Regulations, EPA Number 1587.06, OMB Number 2060-0243; April 2004.

Permitting Authority:	SWCAA	
Report Date:	July 5, 2019	
Reporting Period:	<input checked="" type="checkbox"/> January 01 – June 30, 2019 *Report due July 31*	<input type="checkbox"/> July 01 – December 31, yyyy *Report due January 31*

Data Element	Reported Value	Information
1. Outstanding Permit Issuance	a) Number of final actions: 4	<ul style="list-style-type: none"> Total final actions on Permitting Authority-specific permit issuance commitments (i.e., agreements by the Permitting Authority to complete action on initial permits within a specified time-frame, such as agreements related to the 2001 citizen comments). If the Permitting Authority does not have a commitment, enter "not applicable" in 1(a) and 1(b).
	b) Total commitment universe:	
	c) Date commitment completed (if applicable):	
2. Total Current Part 70 Source Universe and Permit Universe	a) Number of active part 70 <u>sources</u> that have obtained part 70 permits, plus the number of active part 70 <u>sources</u> that have not yet obtained part 70 permits: 17	<ul style="list-style-type: none"> The total current part 70 <u>source</u> universe includes all sources subject to the Permitting Authority's part 70 program applicability requirements (i.e., provisions comparable to §70.3). In 2.a), count all active sources that either have obtained or will obtain a part 70 permit. EPA expects that this data will be primarily based on the Permitting Authority's application and permit tracking information. If, however, the Permitting Authority is aware of part 70 sources that are not yet captured by application or permit information, count those sources as well. Do <u>not</u> count sources that are no longer subject to part 70, such as sources that have shut down, or become natural minors or synthetic minors, and do not have an active part 70 permit. Do <u>not</u> double count sources included in 2.b).

<p>Total Current Part 70 Source Universe and Permit Universe</p> <p>(Continued)</p>	<p>b) Number of part 70 <u>sources</u> that have applied to obtain a synthetic minor restriction in lieu of a part 70 permit, and the part 70 program's permit application due dates for those sources have passed:</p> <p>0</p>	<ul style="list-style-type: none"> Element 2.b) is intended to capture the universe of part 70 sources that are seeking synthetic minor restrictions in lieu of part 70 permits, but haven't received those restrictions before becoming subject to the part 70 program's permit application requirements. If the part 70 applications don't readily identify sources seeking such restrictions, the Permitting Authority may include those sources in 2.a), and need not break them out here. However, EPA expects Permitting Authorities to consider pending synthetic minor requests <u>not</u> addressed in part 70 applications to calculate this portion of the part 70 source universe. Count sources that currently meet the part 70 program's applicability requirements, their part 70 application due dates have passed, and they have requested but not yet received synthetic minor restrictions in lieu of a part 70 permit (or permit renewal). Also count active sources whose synthetic minor restrictions have expired (i.e., no synthetic minor restrictions are currently in place, even though they may be eligible for such restrictions) and are past their part 70 program's application due date. Do <u>not</u> count sources that have active synthetic minor restrictions and are no longer subject to part 70. Do <u>not</u> double count sources included in 2(a).
	<p>c) Total number of current part 70 <u>sources</u> (a+b):</p> <p>17</p>	
	<p>d) <i>For permitting authorities that issue multiple part 70 permits to a single source:</i> total number of active part 70 <u>permits</u> issued, plus part 70 <u>permits</u> applied for:</p> <p>N/A</p>	<ul style="list-style-type: none"> For Permitting Authorities that issue multiple part 70 permits to a single source, and these permits are issued and tracked separately, report the total permit universe, including # of active part 70 permits issued (element 3 below), plus permits applied for (based on pending applications). This information is for correlating data when the Permitting Authority's part 70 <u>permit</u> universe may be greater than the part 70 <u>source</u> universe. For Permitting Authorities that do not issue multiple permits to a single source, or for those that issue and track multiple permits issued to a source on a source-wide basis, enter "not applicable" in 2.d).

<p>3. Total Active Part 70 Permits</p>	<p>Total number of active part 70 permits:</p> <p>15</p>	<ul style="list-style-type: none"> • This element includes all <u>active</u> initial and renewal part 70 permits issued by the permitting authority. Do <u>not</u> count inactive permits, i.e., permits that are no longer in effect due to source shutdown, synthetic minor restrictions, etc. Note: the procedures for rendering part 70 permits no longer effective may vary, depending on the part 70 program. • Do <u>not</u> count both initial and renewal permits (or prior renewal and current renewal permits) issued to the same source; i.e., do not double count. • Count permits that have been extended (see 6.b. below), but do <u>not</u> count permits that have expired, or have been voided, revoked, etc. • Count each source covered by a general permit separately for this data element. If a single source has several general permits and/or source specific permits, refer to the information for permitting authorities that issue multiple part 70 permits to a single source. • For permitting authorities that issue multiple part 70 permits to a single source and included information in element 2(d), count each permitted portion of the source separately for this element. This distinction is for correlating this data element with the permit universe information in element #2(d).
<p>4. Timeliness of Initial Permits (PART element)</p>	<p>a) Total number of initial part 70 permits issued during 6 month reporting period:</p> <p>0</p>	<ul style="list-style-type: none"> • This data element tracks the initial part 70 permits issued as final (e.g., not draft or proposed) during the 6 month reporting period covered by this report, and whether they were issued within 18 months of receipt of an administratively complete application. • For TOPS purposes, initial permits are permits that are issued to any source that has become subject to part 70 for the first time, or any source that comes back into the part 70 program after a period of not being subject. • If no initial permits were issued during the 6 month reporting period, report "zero" in 4(b), and "not applicable" in 4(a).
	<p>b) Number of initial part 70 permits finalized during 6 month reporting period that were issued within 18 months:</p> <p>0</p>	<ul style="list-style-type: none"> • Start the 18-month clock on the submittal date of an administratively complete application. For purposes of this data element, do not stop or restart the 18 month clock for additional information submitted after the application is deemed administratively complete. • For permitting authorities that issue multiple part 70 permits to a single source and included information in 2(d), count each permitted portion of the source separately for this element. This distinction is for determining individual permit timeliness.

<p>5. Total Outstanding Initial Part 70 Applications</p>	<p>The number of active initial part 70 applications older than 18 months:</p> <p>1</p>	<ul style="list-style-type: none"> • This element tracks <u>all</u> active, administratively complete <u>initial</u> part 70 permit applications that the permitting authority has not taken final action on within 18 months of receipt of the administratively complete application. Do not stop or restart the 18 month clock for additional information submitted after the application is deemed administratively complete. • For TOPS purposes, initial part 70 applications are applications for sources that are subject to title V for the first time, or for any source that comes back into the title V program after a period of not being subject. Do <u>not</u> include renewal applications. • Include all current outstanding initial applications, including those that may also be tracked in data element #1. • Do <u>not</u> count initial applications the Permitting Authority has taken final action on.
<p>6. Outstanding Renewal Permit Actions</p>	<p>a) Total number of expired permits for active part 70 sources:</p> <p>0</p>	<ul style="list-style-type: none"> • This data element tracks the total number of expired permits for active part 70 sources. Part 70 permits expire after 5 years if the sources do not submit timely and complete renewal applications, or if they have lost their application shield by not timely responding to additional requests for information. • Include expired permits that have been addressed through consent orders or other enforcement mechanisms. Expired permits can be further addressed in the "Additional Information" element. • Do <u>not</u> include permits that have expired because the source is no longer subject to Title V; i.e., they have shutdown or have received synthetic minor restrictions. <p>For permitting authorities that issue multiple part 70 permits to a single source and included information in 2(d), count each expired permit separately.</p>

<p>Outstanding Renewal Permit Actions</p> <p>(Continued)</p>	<p>b) Total number of active permits with terms extended past 5 years:</p> <p>1</p>	<ul style="list-style-type: none"> • This data element tracks the total number of active permits that have been extended past the original 5 year permit term. Part 70 permits or permit conditions are extended beyond the original 5 year term when sources submit a timely and complete renewal application (and any timely and complete additional information requested by the permitting authority), but the permitting authority has not yet issued a renewal permit. • Count all extended permits, including extended permits for sources that submitted timely and complete renewal applications within the last 18 months. Pending applications that are less than 18 months old can be further addressed in the "Additional Information" element. • Do <u>not</u> include inactive extended permits, i.e., when a subsequent permit renewal has been issued or a source is no longer subject to part 70. • Do <u>not</u> include "expired part 70 permits" that have been addressed through consent orders or other enforcement mechanisms. Count expired permits in 6(a). • For permitting authorities that issue multiple part 70 permits to a single source and included information in 2(d), count each extended permit separately.
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7. Timeliness of Significant Modifications (PART element - a and b only)	a) Total number of significant modifications issued during 6 month reporting period: 0	<ul style="list-style-type: none"> This data element tracks the number of significant modifications issued as final (e.g., not draft or proposed) during the 6 month reporting period. It also tracks the number of those modifications that were issued within 18 months of receipt of an administratively complete significant modification application, and also the number that were issued within 9 months. Note that 7(c) is a subset of 7(b). If no significant modifications were issued during the 6 month reporting period, report "zero" in 7(a) and "not applicable" in 7(b) and 7(c). Start the application clock on the submittal date of an administratively complete significant modification application. Do not restart the clock for additional information submissions.
	b) Number of significant modifications finalized during 6 month reporting period that were issued within 18 months: N/A	
	c) Number of significant modifications finalized during 6 month reporting period that were issued within 9 months: N/A	
8. Outstanding Significant Permit Modifications	Total number of active significant modification applications older than 18 months: 0	<ul style="list-style-type: none"> This element tracks all active, administratively complete significant permit modification applications that the permitting authority has not taken final action on within 18 months of receipt of the administratively complete application. Do not stop or restart the 18 month clock for additional information submitted after the application is deemed administratively complete. Do <u>not</u> count significant modification applications the Permitting Authority has taken final action on.
9. Comments and Additional Information	None	Permitting authorities may provide any additional information in this section. For example, a permitting authority may address data changes, data management issues, general permits, multiple permits issued to single stationary sources, synthetic minor information, additional relevant data, etc.

September 30, 2019

Doug Hardesty
US EPA Region 10
1200 Sixth Ave, Suite 155
Seattle, WA 98101-3123

Subject: SWCAA Response to EPA Second Round Title V Program Evaluation Comments

Dear Mr. Hardesty:

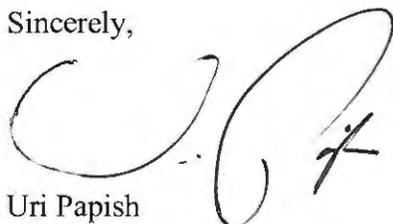
The purpose of this letter is to transmit responses from the Southwest Clean Air Agency (SWCAA) to the comments made by EPA Region 10 as a result of the Title V Round Two Evaluation. This EPA evaluation culminated in an onsite review and discussion at the SWCAA office on July 16-17, 2019. A report of the EPA findings was provided to SWCAA on August 30, 2019.

The attached document provides individual responses to each of the concerns identified by EPA staff in their review document. In general, SWCAA agrees with EPA's findings and commits to redouble its efforts to make improvements in certain areas within the Title V permitting program. SWCAA has provided increased focus and time to completing renewals and keeping current with permit issuance as noted in the TOPS reports provided quarterly to EPA. This is also noted in the Second Round Title V Program Evaluation. In the future SWCAA will focus more attention on details in the Title V Permits and Statement of Basis to make the next level of improvements.

There is one issue that SWCAA would like to have additional dialog with EPA on how to appropriately address the issue. That issue is the incorporation of applicable requirements and paraphrasing of long and complex rules while still noting the underlying requirement. The issue of Permit Shield embodied under 40 CFR 70.6(f)(1)(i) and WAC 173-401-640 and how this is appropriately incorporated into the Title V permit. We would refer back to early Title V program guidance dated February 29, 1996 from Joan Cabreza (EPA) to Region 10 State and Local Air Pollution Agencies.

If you have any questions please contact Paul Mairose, Chief Engineer, at 360-574-3058 extension 130 or myself at extension 112.

Sincerely,



Uri Papish
Executive Director



SWCAA 2019 Responses to EPA Round 2 Title V Program Review

II. Follow-up to 2007 Program Review

In the initial Title V program review, finalized in September 2007, Region 10 provided observations delineated into nine separate topic areas labeled A through I. In each section, Region 10 identified good practices, concerns and other observations and asked SWCAA to respond to the concerns identified. In January 2008, SWCAA responded to Region 10 addressing the concerns identified by Region 10.

This section of the second-round program review report presents Region 10's evaluation of the progress SWCAA has made in addressing the concerns identified in the initial program review. Each of Region 10's original concerns is listed below, followed by SWCAA's 2007 responses, SWCAA's 2019 update, and, finally, Region 10's second-round (Round 2) evaluation.

Section A. Title V Permit Preparation and Content

A-1 2007 EPA Concern: Each of the permits reviewed had a different list of standard conditions or included similar standard conditions with different wording or even titles. Each of the permits appears to be missing standard provisions that should be in the permits. SWCAA should develop a list of standard provisions that they will add to all Title V permits in a consistent manner. One of the standard provisions is titled "Permit appeals." This condition describes the state appeal process, but makes no mention of the federal appeal (petition) process. If SWCAA does not think it is appropriate to add the federal appeal option to their standard provisions, they should at least explain it in the Basis Statement and in their public noticing materials.

2007 SWCAA Response: SWCAA believes its permitting process is in compliance with this comment on the use of standardized conditions. SWCAA's permit development process includes the incorporation of a consistent list of standard conditions for all of the Title V permits the agency issues. However, the list of standard conditions is updated and revised from time to time based on feedback from sources/EPA and changes in applicable regulations. Since the "upgrade" process is continual, standard conditions will be similar for permits issued in a contemporaneous time frame but will differ from one time period to another. These differences are noticeable, and to be expected, when reviewing permits issued in different time frames. SWCAA believes it is important to maintain a standard list of conditions and will continue this practice in the future. SWCAA agrees that it will be beneficial for sources to have the Federal appeal process cited in their Title V permits and will begin doing so on all future permits.

2019 SWCAA Update: SWCAA considers this concern addressed. SWCAA includes each of the standard terms and conditions from WAC 173-401-620 in each permit. This includes item (i) Permit Appeals where this section makes reference to RCW 43.21B.310 and Section 505(b) of the Federal Clean Air Act.

Round 2 Evaluation: The two sections of the permits that include Standard Provisions and General Terms and Conditions were different in all four permits reviewed. The differences

include the order and titles of the specific conditions, the text of certain conditions, the citations and missing conditions. Some differences can be expected over time with changing rules and policies, but that doesn't explain the differences that still exist between the permits today. SWCAA should consider adding to all permits a general reporting requirement to submit a test plan (and describing the minimum content), consistent with SWCAA 400-106. The requirement could explain what the test plan must cover and include notification/reporting details and operating rates, monitoring and SWCAA Title V Program Review – 2019 Page 7 recording required during testing. SWCAA should also consider adding a provision that captures the monitoring and reporting requirement that could apply if a source concludes under WAC 173-400-720(4)(b)(iii)(D) that a modification is not subject to PSD. SWCAA should develop a consistent list of the Standard Provisions and General Terms and Conditions to include in all Title V permits. When a condition is changed, SWCAA should communicate that change to all of its permit writers to ensure all future permits remain consistent.

SWCAA 2019 Round 2 Response: SWCAA will re-evaluate its list of Standard Terms and Conditions and Standard Provisions to ensure the order of the items and the titles are consistent between permits and that the conditions are “standard”. The suggestion for including in all permits a general reporting requirement to submit a test plan, this is an active requirement in each permit because it is part of an active requirement in each NSR permit. As each test plan can be different, SWCAA does not consider it to be appropriate to include the level of detail of what needs to be in a every test plan in the permit in the Standard Terms and Conditions. This is evaluated on a case by case basis for each facility and each piece of equipment to be tested and each test activity by SWCAA personnel at the time of testing. Sometimes the test plan needs to be different to accommodate any necessary changes or additions based on past compliance or testing activities. SWCAA has updated its general conditions to include a reference to the authority under SWCAA 400-106 to be able to require additional testing or changes to testing as necessary.

In regard to the suggestion for SWCAA to add a provision that captures the monitoring and reporting requirement that could apply if a source concludes under WAC 173-400-720(4)(b)(iii)(D) that a modification is not subject to PSD, this again is an activity that is done at the time of NSR permitting and has already been vetted as to PSD applicability before being incorporated into the Title 5 permit. SWCAA has very few facilities that are subject to PSD or have a PSD permit or have emission levels that could potentially trigger PSD. Any new emission units or changes that result in an increase in emissions by state law are subject to NSR provisions except for those items identified as de minimis. The SWCAA de minimis threshold in SWCAA 400-109 is substantially different than the Ecology thresholds of WAC 173-400-110 (4)(5) and (6) and does not provide a mechanism that could potentially trigger PSD review or consideration like the WAC. If a project has an increase in facility emissions that could potentially trigger PSD, we are obligated to notify the Department of Ecology who has the authority to make PSD applicability determinations. SWCAA does not have PSD authority. Note your reference to WAC 173-400-720 as this is an Ecology only rule.

A-2 2007 EPA Concern: The permits and Basis Statements reviewed included a list of emission units. In all cases, it appeared that several plant activities were not addressed by the list of emission units. In one case, a process handling cyclone and paved road traffic was missing; in another, a fuel storage tank was missing. If only facility-wide requirements apply to these

missing emission units, it is not critical that they be in the permit; however, the Basis Statement should still be clear in describing all of the operations at the facility.

2007 SWCAA Response: The examples cited in this comment are pieces of equipment and/or activities that are not regulated as emission units in the respective permits (i.e., the activities are insignificant). Furthermore, Title V permits issued by SWCAA have a well defined list of equipment and activities that are regulated as emission units. Washington State's Title V rule (WAC 173-401) contains prescriptive language regarding which pieces of equipment and/or activities are considered to be insignificant emission units. While SWCAA agrees that there is value in specifically addressing selected equipment/operations, the majority of insignificant activities do not merit comment (e.g., motor vehicle exhaust, street sweeping, landscaping activities, bathroom vents, etc.). SWCAA's permitting practice has been to provide specific descriptions where deemed necessary to clarify emission unit applicability, but not provide a detailed review of every potential activity at a facility.

2019 SWCAA Update: SWCAA considers this item concern addressed. Each permit contains a list of Emission Units (EU). Each permit does not necessarily contain every piece of equipment/activity that is considered to be an insignificant emission unit (IEU). The equipment/activities identified in the concern were insignificant emission units. Categorically exempt insignificant emission units are not even required to be identified in the permit application as specified under WAC 173-401-532.

Round 2 Evaluation: Describing IEUs in the permit emission unit list and/or Basis Statement is important, as some IEUs such as road traffic can be significant particulate matter emission sources. SWCAA does a good job of noting when generally applicable requirements apply to IEUs. SWCAA has the authority to add specific monitoring, recordkeeping and reporting requirements for IEUs when necessary to assure compliance. To the extent specific compliance assurance requirements are added to the permit, the IEUs should be included in the permit emission unit list. When not included in the permit, the Basis Statement can describe which general requirements apply to IEUs and clarify whether emissions from IEUs are included in fee assessments. Other than asking SWCAA to consider our suggestions, Region 10 does not consider this a concern that warrants follow-up.

A-3 2007 EPA Concern: While it appears that SWCAA has clearly cited the approved and unapproved versions of their regulation that are included in the permit as applicable requirements, during the on-site interviews, SWCAA staff pointed out that keeping the SWCAA regulatory citations organized has been a lot of work. They added that they may begin leaving out the approved SIP citations when they have been replaced with newer versions of regulations that were submitted to EPA several years earlier. While EPA understands SWCAA's frustration with the SIP approval backlog, it is still EPA's policy that requirements from the most recently approved SIP must be included in the permit, even if SWCAA has adopted new regulations and submitted them to EPA for approval.

2007 SWCAA Response: SWCAA's policy is to cite the most recently approved SIP in the permits. The comment by SWCAA staff was meant to highlight the difficulties posed by the incorporation of "obsolete" SIP rules and encourage EPA to act more timely in approving SIP

submittals. This difficulty may not have been identified in other agency's permits because SWCAA has noted that permits issued by other jurisdictions (including EPA Part 71 permits) often do not cite rule adoption dates, and therefore it is unclear which version of the rule is being cited (SIP versus most recent). In those cases, SWCAA meant to convey that the affected agencies may be applying the most recent version of the rule regardless of its SIP status. SWCAA attempts to identify all versions of an applicable rule in its permit citations but is aware that some of SWCAA's SIP rules are over 10 years out of date. The SIP version of those rules often conflict with newer versions and/or new EPA requirements. In some cases, sources can not simultaneously comply with both the SIP version and the current version of a rule. Consequently, SWCAA has generally "streamlined" competing versions of each rule in favor of the most recent.

2019 SWCAA Update: SWCAA has implemented a revised method of identifying the rules and versions of those rules that are applicable. SWCAA has inserted a table with a single reference to each rule and version with all the dates in one location so it does not have to be repeated each time the rule is cited in the permit. Progress has been made in updating regulations in the SIP.

Round 2 Evaluation: SWCAA's idea to include one version of a rule in the permit and address other versions of that rule in one place in a cross-referencing table is a good one; however, it is important for SWCAA to ensure that streamlined rules are substantially the same as the rule included. In checking only a few rules, some omitted rules were not the same and should have been included separately in the permit. Also, some citations in the cross-referencing table may be in error. SWCAA should also confirm the effective dates of cited rules and clarify whether the date is the effective date of the SIP or the state/local rule. General federal rules that apply to SWCAA rather than the source, such as 40 CFR part 51 and 40 CFR part 52 (in general), are not applicable requirements. Specifically, only Subpart WW of 40 CFR part 52 should be included; that will also cover EPA's federal implementation plan for permitting greenhouse gas emissions from biomass combustion found in 40 CFR 52.2497.

SWCAA 2019 Round 2 Response: SWCAA will review the individual permits where these inconsistencies are apparent and have been noted. In the case of the more generally applicable requirements, SWCAA will make note and either clarify or revise the citations as necessary as suggested by EPA.

A-4 2007 EPA Concern: While SWCAA's Basis Statements have some good features, they could be improved. Permitting, compliance and construction histories would be helpful; the potential to emit should be presented to support any major/minor source claims or applicability determinations that rely on it; and the applicability of requirements (CAM, NSPS, NESHAP, etc.) could have been explained better in some cases. SWCAA should continue to look for ways to improve the Basis Statements.

2007 SWCAA Response: SWCAA agrees with much of this comment and will make improvements where possible to improve look-back capability for enforcement issues and initiatives. However, SWCAA does not agree that all of the cited elements cited in the comment belong in the Title V Statement of Basis. For example, the technical support document for SWCAA's NSR permits provides a review of the NSR permitting history of the affected facility. Repeating this information in the Title V Statement of Basis would be redundant, and potentially

adds significant volume to the Statement of Basis with little added benefit. Also, some facilities have 40 or more historic NSR actions, and selected actions have been obsolete for decades. Citing the old/obsolete NSR actions would add confusion to the document when trying to explain currently applicable requirements. SWCAA's Title V permits reference the source of each applicable requirement, and the Statement of Basis for each Title V permit generally contains a discussion of source history where deemed necessary to clarify the status of affected emission units.

2019 SWCAA Update: SWCAA has added discussion of the potential to emit (PTE) for each facility in the Statement of Basis to support the major source determination. SWCAA also includes a discussion of relevant permitting and enforcement actions since the last permitting activity. A discussion of CAM and NSPS and NESHAP applicability is included in each Statement of Basis; sometimes as a general statement if none apply and sometimes on an individual EU basis.

Round 2 Evaluation: SWCAA has taken several of Region 10's suggestions regarding adding permitting and compliance histories to Basis Statements. A summary of the potential to emit is included, though the details are not. An applicable/non-applicable requirement section is included in some, though some listed requirements lack an explanation as to why they are not applicable. CAM applicability was consistently noted, but the justifications were often not adequate. See the discussion about CAM in Concern C-3. Though SWCAA's Basis Statements can still be improved, they are much better today.

SWCAA 2019 Round 2 Response: SWCAA will review the individual permits where these issues are present and try to augment those discussions to be more complete in the next update of those permits.

Section C. Monitoring

C-1 2007 EPA Concern: SWCAA relies on periodic inspections and visual observations (see - no see decisions) as a first level for assuring compliance with several requirements. Whenever visual checks are used, it is useful to clarify that the observers should be trained in visual observations and utilize the general observation criteria found in EPA Reference Method 22. Furthermore, a requirement to act on any observation of a visible emission should not be required of sources that normally do exhibit some visible emissions. In those cases, some other type of routine monitoring is more appropriate.

2007 SWCAA Response: SWCAA utilizes a "see - no see" method only when the expected opacity levels are zero. SWCAA also relies on Method 22 in many cases when the applicable opacity standard is zero percent. In Method 22 Section 2.3, the method states that determination of opacity is not required. Since this procedure requires only the determination of whether visible emissions are present, and does not require determination of opacity, observer certification pursuant to Method 9 is not necessary. Where appropriate, SWCAA has required several facilities to make periodic Method 9 readings, and in a few instances, required the facilities to maintain at least one Method 9 certified observer. SWCAA works with each facility to ensure that the facilities are capable of making visible emission determinations consistent with

the requirements of their Title V permits. SWCAA will continue to work with the facilities to ensure appropriate use of the visible emission methods – both Method 9 and Method 22.

2019 SWCAA Update: SWCAA utilizes a "see - no see" method only when the expected opacity levels are zero. SWCAA also relies on Method 22 in many cases when the applicable opacity standard is zero percent. In Method 22 Section 2.3, the method states that determination of opacity is not required. Since this procedure requires only the determination of whether visible emissions are present, and does not require determination of opacity, observer certification pursuant to Method 9 is not necessary. Where appropriate, SWCAA has required several facilities to make periodic Method 9 readings, and in a few instances, required the facilities to maintain at least one Method 9 certified observer. SWCAA works with each facility to ensure that the facilities are capable of making visible emission determinations consistent with the requirements of their Title V permits. SWCAA will continue to work with the facilities to ensure appropriate use of the visible emission methods - both Method 9 and Method 22.

Round 2 Evaluation: Region 10 still considers periodic walkthroughs and see-no see observations a good approach for confirming ongoing compliance with visible and fugitive emissions requirements. SWCAA requires RM22 in some permits but not all, which is fine. Region 10 does not consider this a concern that warrants follow-up.

C-2 2007 EPA Concern: SWCAA often required monitoring baghouse pressure drop to assure compliance with particulate and opacity emission limits. Monitoring experts within EPA have concluded that pressure drop is not a reliable approach for monitoring baghouse compliance. Alternatives to pressure drop include opacity and bag leak detectors and can be combined with a good operation and maintenance program. SWCAA should avoid relying on pressure drop monitoring to assure baghouse compliance.

2007 SWCAA Response: SWCAA utilizes periodic source emission testing and periodic (usually monthly) visual observations (Method 22) as this comment suggests as the primary method of determining compliance with particulate and opacity emission limits. The suggested use of bag leak detectors has merit, and SWCAA will be exploring this option in future permitting actions. SWCAA's use of baghouse pressure drop is a secondary method of determining compliance with particulate and opacity emission limits. It is a parameter that can be routinely monitored by plant staff and agency representatives to provide a quick indication of performance.

2019 SWCAA Update: As mentioned in 2 above, SWCAA is moving away from Method 22 as a monitoring provision. In addition, SWCAA agrees that monitoring of baghouse pressure drop in itself, is not an indicator of compliance, but does provide an indication of attention to operations and maintenance programs referred to above. To the degree that this monitoring requirement continues to exist in NSR permits, this condition will continue to be included in the Title V permit. As the opportunity arises in the NSR permit program, this requirement will be phased out in favor of other monitoring provisions.

Round 2 Evaluation: Where SWCAA requires baghouse pressure drop monitoring as a secondary parameter, it is in addition to other, more appropriate monitoring. Region 10 agrees that pressure drop monitoring can be an indicator of the source's maintenance program. Region 10 still

believes that bag leak detectors are another good alternative for baghouses that require a more rigorous level of scrutiny than periodic observations provide (e.g. when CAM applies). Region 10 does not consider this a concern that warrants follow-up.

C-3 2007 EPA Concern: SWCAA's permits do not consistently address compliance assurance monitoring (CAM) applicability and CAM-based monitoring decisions. CAM is a very important aspect of Title V permits and should be clearly explained in Basis Statements.

2007 SWCAA Response: SWCAA agrees with this comment and will be more diligent in the future in addressing CAM determinations in the Statement of Basis and provide more detail regarding CAM based monitoring decisions in its Title V permits. Please note that CAM does not apply to all of the Title V facilities at SWCAA. In addition, selected SWCAA facilities are still operating under their original Title V permits. The first round of SWCAA permits were issued prior to promulgation of the current CAM requirements. Hence, CAM provisions are not addressed in those permits, but will become applicable upon the first Title V permit renewal. SWCAA is incorporating CAM provisions as appropriate in each renewal permit. SWCAA expects the incorporation of CAM to have little impact on existing permit conditions because appropriate compliance monitoring has already been established in the associated NSR permitting actions.

2019 SWCAA Update: Through the Title V permit renewal process, SWCAA has incorporated CAM requirements into each Title V permit for each facility where CAM is applicable or made a determination and documented that CAM is not applicable.

Round 2 Evaluation: Region 10 reviewed the CAM analyses in the four permits reviewed as part of this program review as well as six other permits, to evaluate SWCAA's implementation of the CAM program. Region 10 is still very concerned about SWCAA's approach to CAM applicability determinations and documentation. One common mistake is the application of the exception of rules promulgated after 1990. CAM applies to emission units that use a control device to comply with an emission limitation that is not exempt from CAM. If the control device is used to comply with non-exempt applicable emission limitations, CAM still applies. For instance, if an emission unit is subject to a (post 1990) MACT standard and a SIP limitation and has a control device needed to meet both requirements, SWCAA should apply CAM to the emission unit for the SIP limitation, but not the MACT standard. Opacity limits should also be factored into the CAM analysis. The CAM applicability analysis should address baghouses, explaining those cases where the baghouse is actually used as process equipment. Emission units that use continuous compliance determination monitors for a specific pollutant are exempt from CAM. When an emission unit has a continuous emission monitoring system that is not the compliance determination method (a reference method test is the compliance determination method), but rather just an indicator of compliance, the pollutant-specific emission unit is still subject to CAM. SWCAA's permits should clarify when a required continuous monitoring system is the compliance determination method. The Basis Statement (where the CAM applicability analysis should be) should present pre- and post-control potential emissions (for applicability and monitoring frequency decisions, respectively) as part of the CAM applicability analysis. SWCAA should re-evaluate CAM applicability in their permits to assure CAM has been applied correctly.

SWCAA 2019 Round 2 Response: SWCAA agrees with this comment and will re-evaluate how CAM is incorporated into the Title 5 permits and Statement of Basis and make necessary changes to the permits and Basis Statement. SWCAA has no instances where a baghouse is used as process equipment. SWCAA will be more diligent to specify the compliance determination method for each CAM subject pollutant in the permit.

C-4 2007 EPA Concern: SWCAA's permits often contained tiered approaches to monitoring, commonly for opacity and particulate emission limits. The approach normally begins with some sort of an observation which can lead to corrective actions, additional observations and eventually deviation reporting. Only occasionally did the monitoring scheme lead to a reference method test (e.g. RM 9) and rarely to a particulate matter test. Where initial observations indicate possible concerns about compliance, the permit can be designed to automatically require a reference method test to confirm compliance. This is particularly appropriate where the initially observed concerns recur often or are not promptly corrected. When renewing permits, SWCAA should add specific reference method testing where appropriate and consider the use of "automated" test requirements.

2007 SWCAA Response: As noted in the comment, SWCAA's monitoring requirements often include a tiered approach with progressively more sophisticated monitoring if there is cause for concern in regard to observations or plant data which suggest areas of possible noncompliance. SWCAA will incorporate specific reference method testing where appropriate and add the use of "automated" test requirements.

2019 SWCAA Update: Addressed - no change to this response.

Round 2 Evaluation: Region 10 continues to believe that tiered monitoring and testing requirements can be useful permit writing techniques. SWCAA appears to use tiered monitoring related to periodic inspections and visual observation, which can lead to RM9 opacity readings. There were few if any examples wherein a SWCAA permit required emission testing if periodic monitoring identified an issue that was not quickly corrected or a required emission test resulted in a limit exceedance or near exceedance. During the onsite interviews, SWCAA explained that they handle those situations on a case-by-case basis outside of the permit, which is acceptable. Region 10 still suggests SWCAA consider adding automated testing and tiered monitoring/testing as built-in tools for assuring ongoing compliance.

SWCAA 2019 Round 2 Response: SWCAA has considered tiered monitoring and testing, where appropriate. For some agencies this may be a very important and helpful inclusion in the permit to assist with addressing compliance issues. Compliance issues for SWCAA can be driven by many different factors that are not necessarily resolved with additional or more frequent testing or monitoring. Sometimes tiered testing may be an appropriate action, but that is determined as part of the compliance resolution process. SWCAA disagrees that this practice of tiered monitoring and testing is automatically a better way to address compliance issues. SWCAA considers this issue as a compliance issue, not a permit having unclear permit terms and insufficient permit conditions for demonstrating compliance. Compliance issues tend to be unique situations that can't easily be identified during permitting and usually require a specific approach to resolution. SWCAA has a robust compliance program and desires to address compliance issues as just that – compliance issues.

C-5 2007 EPA Concern: Occasionally, SWCAA's permits contained operation and maintenance requirements mixed in with monitoring requirements. Monitoring is generally used to identify problems (or assure there are no problems) while maintenance is used to avoid problems or to address identified problems. Finally, operation and maintenance requirements do not necessarily satisfy the need to have monitoring; in fact, monitoring should be specified to assure compliance with any operation and maintenance requirements. SWCAA should consider this type of clarification during future permit renewals.

2007 SWCAA Response: SWCAA will review each permit at renewal time to ensure that monitoring activities are clearly separated from operations and maintenance requirements.

2019 SWCAA Update: Addressed - no change to this response.

Round 2 Evaluation: Region 10 does not consider this a concern that warrants follow-up.

Section D. Public Participation and Affected State Review

D-1 2007 EPA Concern: Like many of the permitting authorities across the country, SWCAA provides the permittee with a pre-draft permit for review and comment before the draft permit goes out for public comment. Soliciting the permittee's input on the factual aspects of the permit can help to reduce errors in the permit and help educate the permittee on its obligations under the permit. Working with the permittee on developing the substantive requirements of the permit, however, can create the impression that the permit issuance process is not an open process. SWCAA should carefully balance these interests as it works with permittees during the development and issuance of Title V permits.

2007 SWCAA Response: SWCAA does not work with the permittees when developing substantive requirements. Substantive requirements are generally pre-existing, originating from NSR permitting actions, applicable regulations, and other enforcement documents. Substantive requirements are not open for negotiation or review under Title V. Only the factual aspects of the permit are available for comment. SWCAA is very diligent, and will continue to be diligent, to ensure that there is no appearance of a non-open process.

2019 SWCAA Update: Addressed - no changes to response.

Round 2 Evaluation: This is generally not an issue when the agency documents the basis for all of the requirements in the permit and assures that all comments received during the public comment period are documented and addressed before the permit is issued. SWCAA understands and implements their program this way. As long as SWCAA continues to make the entire record available to the public during the public review process, Region 10 is satisfied with SWCAA's approach for ensuring transparency. We no longer consider this a concern that warrants follow-up.

Section E. Permit Issuance / Revision / Renewal

E-1 2007 EPA Concern: SWCAA noted that issuance of several permits has been delayed due to NSR and MACT issues. In their last TOPS report (Jan thru June, 2007), three permits had been extended past 5 years pending renewal and one significant modification application was older than 18 months. EPA has recognized ways to avoid permit issuance delays when new MACT standards and complicated NSR enforcement actions are not yet resolved. SWCAA should continue to manage their workload in a practical way while meeting the regulatory deadlines for permit issuance.

2007 SWCAA Response: SWCAA has focused on this issue in recent months and as of 1/10/2008 only one permit is currently extended past 5 years. SWCAA has several sources that are subject to MACT standards that have been promulgated and have been vacated in full or in part. As noted previously, this situation has complicated the Title V permitting process. SWCAA is working through each of these permits in an orderly and informed fashion, but additional time is required in each case to ensure that appropriate terms and conditions are incorporated into the final permit language.

2019 SWCAA Update: Addressed - no changes to response. One permit is currently extended due to NSR and MACT incorporation and one permit is extended due to SSI rule requirements that the facility is not in compliance with, so the permit cannot be reissued.

Round 2 Evaluation: SWCAA reports its permit issuance progress to Region 10 semi-annually. Attachment 3 to this report shows SWCAA's reported permit issuance data for the past seven reporting periods (2018-1 is the first half of 2018, 2018-2 is the second half). SWCAA's backlog in initial permits has never been more than one permit; has not had any outstanding significant modification applications; and the backlog in renewal (extended) permits has been reduced from 60% down to 12% over this reporting period, an excellent trend. SWCAA clearly manages their permit workload very well. Region 10 does not consider this a concern that warrants follow-up.

E-2 2007 EPA Concern: SWCAA does not require minor permit applications to include a certification by a responsible official. This is required by Part 70. SWCAA should expect certification with minor permit modifications.

2007 SWCAA Response: During the audit, SWCAA misunderstood this question to relate to its minor source permit program. Upon further review, we understand the question relates to minor modifications of a Title V permit. Under the SWCAA Title V program, most submittals have contained a certification by a responsible official. In the future, SWCAA will be more diligent to ensure that every permit action includes a certification by a responsible official.

2019 SWCAA Update: Addressed - no changes to response.

Round 2 Evaluation: Region 10 does not consider this a concern that warrants follow-up.

E-3 2007 EPA Concern: SWCAA's fee structure bases part of the fee on the number of emission units to account for permit complexity. The emission unit concept in Title V generally allows useful flexibility in grouping or non-grouping of plant site activities based on a number of factors such as similar applicable requirements or operations. This can make implementation of the permit requirements more practical. Placing a price (by basing the fee) on the number of emission units can put these intentions at odds with each other. SWCAA should consider ways to take advantage of the flexibility provided by the emission unit concept despite the fee system design.

2007 SWCAA Response: SWCAA does consider flexible approaches in making emission unit groupings at affected facilities. The potential effect on fees is not a consideration in grouping determinations. SWCAA's minor source program and Title V program share a common emission unit structure that groups similar emission units when it is practical for purposes of implementing requirements or operations. In practice, grouping determinations are driven by the need to develop permit conditions that are understandable and enforceable as a practical matter. Title V permit conditions are based on major and minor source NSR permits. Only on a rare occasion are permit conditions developed under the gap filling provisions, CAM or insufficiency provisions of Title V. SWCAA tries to maintain as much continuity as possible between the minor source and Title V permitting programs in making these determinations.

2019 SWCAA Update: Addressed - no changes to response.

Round 2 Evaluation: Region 10 does not consider this a concern that warrants follow-up.

Section F. Compliance

F-1 2007 EPA Concern: Even where it was apparent that emission testing had been required by and performed under a previously issued permit, rarely did the Basis Statement discuss the results or rely on the results for making future testing or monitoring decisions. Where testing was required, rarely were emission unit and control equipment operational parameters recorded and related to the test results to assure the parameters monitored truly represent compliance. Source-specific test data can be very useful for designing an appropriate compliance monitoring approach. SWCAA should not only document the results but consider them when requiring monitoring for future permits.

2007 SWCAA Response: SWCAA will provide a better description of the testing history of affected sources in the Statement of Basis for each Title V permit. It should be noted that the majority of the equipment specific testing and monitoring requirements found in SWCAA's Title V permits are drawn directly from underlying NSR permits. Compared with other air agencies, SWCAA has a long history of requiring emission testing and compliance monitoring in its NSR permits. There has been little need for additional measures to be implemented via the Title V permitting process. For other Washington agencies where this has not been done, the Title V permitting process often includes the development of comprehensive testing/monitoring schemes under Part 70 'gap-filling' provisions. However, current EPA guidance for gap-filling monitoring precludes SWCAA from using a Title V permit to change or 'enhance' testing/monitoring measures established in underlying permits. Hence, SWCAA's Title V

permitting actions have not involved significant testing/monitoring decisions. If there is a compliance issue that would benefit from source testing, SWCAA would require testing as part of the compliance issue on a basis that is supported by the issue. These decisions are made as part of the compliance process and generally are not anticipated or historically documented in the Title V Statement of Basis.

2019 SWCAA Update: Addressed - no changes to response.

Round 2 Evaluation: There was little evidence in the Basis Statements reviewed that SWCAA considers past test results when determining monitoring or testing frequency in a permit. During the onsite interviews, SWCAA indicated that the frequency for testing specified in the permit, commonly once every five years, was rarely adjusted based on previous test results. Infrequent testing can provide an adequate assurance of compliance if there is a history of consistently low test results (i.e. a good margin of compliance), but may not be sufficient in all cases. To be sufficient, the frequency of testing should be adjusted based on SWCAA's confidence in ongoing compliance and the relative margin of compliance in past testing. The Basis Statement should consider past compliance data (including test results and margins of compliance) and explain the basis for setting the frequency of monitoring and testing in the permit. Finally, process and control equipment parameters that are monitored as compliance surrogates should be linked to levels recorded during compliance testing to help assure ongoing compliance.

SWCAA 2019 Round 2 Response: Testing frequency is established under SWCAA's NSR program and specified in facility NSR permits. Frequencies are established based on size of the equipment, potential for non-compliance, potential impact to the airshed if violated, compliance history, and technical innovation of the control technology. Test frequencies and minimum protocols are included as an appendix to each NSR permit and carried forward into each Title 5 permit. For some agencies this is likely not the case. In the event that there is an exceedance of an emission limit, corrective measures are identified as part of the SWCAA compliance program. As a minimum, this includes additional testing that documents compliance but may include additional monitoring or reporting. The root cause is considered in the enforcement action and is not considered appropriate by SWCAA as a permitting issue. All SWCAA test reports and result summaries are available on the SWCAA webpage. Past results are plainly documented on the webpage and the full test reports are available for review right from the webpage. Compliance history is also documented on the webpage on a facility basis to be able to assess where and how SWCAA has taken enforcement action. SWCAA would provide for additional testing, monitoring or reporting under gap-filling authority or sufficiency monitoring if deemed appropriate. To date, SWCAA has not observed a need to do testing beyond what is already specified in NSR permits or as necessary to resolve a compliance issue.

III. Additional Review

In addition to reviewing concerns identified in the first review, Region 10 requested an update about program resources and permit issuance progress

Company Name & Location

Date Issued

and reviewed several permits that were issued by SWCAA within the last few years. The following permits were reviewed by Region 10 as part of this program review:

Permit No.

SW97-1-R2	City of Vancouver Westside Treatment Plant	01/25/2016
SW14-20-R0	Cowlitz County Landfill Castle Rock	10/10/2018
SW97-4-R3	Hampton Lumber Mills Randle	06/12/2018
SW18-23-R0	Weyerhaeuser Longview Lumber	06/18/2019

New Concerns

1. Regarding SWCAA's incorporation of new requirements, Region 10 thinks it is a good practice to add a section to the Basis Statement that describes the new applicable requirements that are being added to a renewal permit. Including a broader-scoped section that describes all changes to the permit (in this renewal) would also be good and could encompass the new applicable requirements. SWCAA's Basis Statements did not have a section that described the changes or even the new applicable requirements.

SWCAA 2019 Round 2 Response: New requirements come from several different places including new/revised federal rules such as MACT and NSPS, changes in state or local rules, issuance of new or modified NSR permits or the result of SWCAA updating permits as a result of this review to provide additional requirements, monitoring or recordkeeping under gap-filling, or sufficiency monitoring provisions. SWCAA will attempt to augment the Statement of Basis to include a brief discussion of any new applicable requirements.

2. The incorporation of the boiler MACT to one permit reviewed could have been better. Obsolete boiler MACT requirements included in the renewal could have been omitted. Some compliance options that are clearly not options for that particular source also could have been omitted. In those cases where the compliance option chosen by the source is clear, the Basis Statement can explain that. If the other options are no longer possible, the permit can also be cleaned up by removing the compliance options not used. Some Boiler MACT requirements referenced with a citation in the permit should have been written fully into the permit. These suggestions should be applied to all of the permits that SWCAA issues.

SWCAA 2019 Round 2 Response: SWCAA will review the specific permits that incorporate Boiler MACT and address the issues identified by EPA.

3. Related to citing the correct version of the SIP and SWCAA's rules, covered in Concern A-3, where the applicable citations are listed for individual permit conditions, which may contain several different requirements, SWCAA should be more specific about which requirements in the condition are paired with each citation. SWCAA seems to be grouping "like" requirements into a single permit condition from several applicable requirements. That is acceptable as long as the individual citations are clearly linked to the correct requirement in the condition.

SWCAA 2019 Round 2 Response: SWCAA will be more specific in its citation of individual rules to ensure that if different versions that are not substantially similar are each identified and have the appropriate citation to be able to clearly identify the basis for the underlying requirement.

4. Paraphrasing long applicable requirements is an acceptable practice as long as the paraphrased version of the requirement is accurate and complete and the permit contains a general statement that clarifies that the underlying regulation takes precedence when the wording is not exact. This is also important when streamlining multiple requirements in one permit condition, where the individual regulations are not exact.

SWCAA 2019 Round 2 Response: SWCAA would like additional dialog with EPA on this issue to ensure that SWCAA appropriately identifies where paraphrasing and streamlining multiple requirements is done in its permits. In addition, we need further dialog on how the Permit Shield provisions of Title V (40 CFR 70.6(f)(1)(i)) and WAC 173-401-640 are applied in an instance where there may be ambiguity about the underlying requirement(s).

5. Several permits with hourly and annual emission limits did not include the compliance method or, because the limits were listed in the same permit condition as other limits such as concentration limits, included compliance methods that are only appropriate for concentration limits (e.g. emission testing). All limitations, including hourly and annual emission limits, must have appropriate compliance demonstration methods included in the permit. Compliance with daily and annual limits generally requires an emission factor and process monitoring be specified in the permit. Changes to the required emission factors "off-permit" should be done using a replicable procedure specified by the permit.

SWCAA 2019 Round 2 Response: SWCAA will evaluate the underlying permits that are the basis for this concern and provide appropriate compliance demonstration methodologies. In addition, SWCAA will augment the Statement of Basis to further clarify emission calculation methodologies and emission factors.

6. When limiting process parameters in a permit, such as temperature, the permit condition that includes the limit should include the location of the monitor and the averaging period for demonstrating compliance. Some permits described the averaging time in the associated monitoring condition rather than the limit condition. Then, the process limit averaging time and monitoring averaging time should match.

SWCAA 2019 Round 2 Response: SWCAA will evaluate the underlying permits that are the basis for this concern and provide appropriate locations and averaging times for the permit condition.

7. In some Basis Statements, SWCAA includes an Appendix that present an Applicable Requirements Review. The Appendix states whether the requirement was included in the permit but does not always explain why. This seems like a logical place to explain applicability and, more importantly, inapplicability. This appendix, complete with justifications, would be a good addition to those Basis Statements that don't include it.

SWCAA 2019 Round 2 Response: SWCAA will evaluate the underlying permits that are the basis for this concern and provide appropriate enhancements to the applicability discussion.

8. Region 10 reorganized changing our office and unit structure into a division, branch and section structure. This changed our mailing addresses. Where SWCAA includes the address for mailing copies of certain documents to Region 10, the permits should be revised accordingly. Region 10 can supply the new addresses if needed.

SWCAA 2019 Round 2 Response: SWCAA will attempt to stay on top of EPA reorganizations and address changes with permit updates. The rules require that the EPA address be included in each permit. It would be good if EPA could identify an appropriate address that would not change with each reorganization to limit the additional workload associated with updating the EPA address and reissuing the permit.

IV. Summary of Concerns and Recommendations

Concerns

Many of the concerns identified in the first-round program review have been resolved to Region 10's satisfaction, but some still need at least some attention. Region 10 is satisfied with SWCAA's progress on 8 of the 14 concerns identified in the 2007 program review. Region 10 thinks SWCAA can still improve on the other six remaining original concerns. Region 10 has identified seven new concerns that SWCAA should address and is providing information regarding one new topic.

Region 10 has provided some new information regarding one topic. Due to a reorganization, the titles and mailing addresses for all of Region 10's offices has changed. SWCAA should note the new addresses for submitting information to Region; SWCAA should also update their permits with the new address (New Concern 8).

SWCAA 2019 Round 2 Response: See response to new comment 8.

Region 10 has suggestions SWCAA should consider regarding two topics. Region 10 still thinks SWCAA should consider use of tiered monitoring and testing schemes in permits to help assure ongoing compliance (Concern C-4). SWCAA should consider adding a section to the Basis Statements that explains what changed from the previous permits, specifically noting the new applicable requirements (New Concern 1).

SWCAA 2019 Round 2 Response: 1) This may be an appropriate action for Agencies that do not specify testing requirements in their NSR permits. SWCAA utilizes tiered monitoring and testing schemes in permits where appropriate. When a compliance issue arises, it is dealt with as a

compliance issue and not as a permitting issue. If additional monitoring or testing is needed to assure continued compliance, it is required as part of the compliance resolution strategy.

2) SWCAA will attempt to identify new requirements as new in the Statement of Basis for each requirement and provide a short broad description of new requirements such as new/modified MACT standards, state or local rules or new NSR permitting activities. SWCAA does not consider lengthy discussions of these types of new requirements warranted in the Title V permit or Statement of Basis.

SWCAA has made improvements to their permits and Basis Statements, but more improvements can be realized for six original concerns and five new concerns. SWCAA should develop a list of standard conditions to use consistently on all permits. (Concern A-1). SWCAA should review the regulatory basis in each permit to confirm the citations are correct and ensure that streamlined requirements are reflected in the resulting permit conditions (Concern A-3). SWCAA can still generally improve their Basis Statements (Concern A-4). SWCAA must improve their CAM applicability determinations and documentation (Concern C-3). SWCAA should use and document the use of past test data to set monitoring and testing requirements in permits (Concern F-1). SWCAA can improve the incorporation of new federal requirements such as the boiler MACT (New Concern 2). SWCAA more clearly tie citations to permit conditions with multiple requirements (New Concern 3). SWCAA should confirm paraphrased permit conditions are accurate and include general language regarding the text in the rule takes precedence (New Concern 4). SWCAA must ensure that hourly and annual emission limits are enforceable as a practical matter (New Concern 5). SWCAA should clarify process/control device limitation details and match the monitoring periods to the limitation (New Concern 6). SWCAA should include a section in the Basis Statement that explains permit changes in renewals and/or applicability/non-applicability for all reasonably applicable requirements (New Concern 7).

SWCAA 2019 Round 2 Response:

A-1) SWCAA will review its list of standard conditions and attempt to make the list standard across all permits given limitations for changes and updates.

A-3) SWCAA will review the regulatory basis in each permit to confirm that the citations are correct and ensure that streamlined requirements are reflected in the resulting permit conditions.

A-4) SWCAA will make improvements with the Statements of Basis to provide more clarity for issues identified by EPA.

C-3) SWCAA will be re-evaluating CAM discussions in each permit where CAM applies based on our updated understanding of the CAM requirements.

F-1) SWCAA has a well-established history of requiring appropriately established monitoring and testing requirements. Compliance issues are resolved through the enforcement program. The need for additional or more frequent monitoring and/or testing is prescribed under the enforcement program.

New 2) SWCAA will review those permits that cite the boiler MACT and clean up citations as suggested by EPA.

New 3) SWCAA will review the underlying permits for this concern and make necessary changes as suggested by EPA.

New 4) SWCAA would like additional dialog with EPA on this issue to ensure that SWCAA appropriately identifies where paraphrasing and streamlining multiple requirements is done in its

permits. In addition, we need further dialog on how the Permit Shield provisions of Title V (40 CFR 70.6(f)(1)(i)) and WAC 173-401-640 are applied in an instance where there may be ambiguity about the underlying requirement(s).

New 5) SWCAA will evaluate the underlying permits that are the basis for this concern and provide appropriate compliance demonstration methodologies. In addition, SWCAA will augment the Statement of Basis to further clarify emission calculation methodologies and emission factors.

New 6) SWCAA will evaluate the underlying permits that are the basis for this concern and provide appropriate locations and averaging times for the permit condition.

New 7) SWCAA will evaluate the underlying permits that are the basis for this concern and provide appropriate enhancements to the applicability discussion.

New 8) SWCAA will attempt to stay on top of EPA reorganizations and address changes with permit updates to note new EPA addresses.

Recommendations

SWCAA should provide to Region 10 a response that explains what they plan to do to resolve these 13 topics/concerns: Concern A-1, A-3, A-4, C-3, C-4 and F-1 and New Concerns 1 thru 7. If SWCAA prefers to discuss any of the concerns before responding, Region 10 will gladly accommodate that.